

POTW PRETREATMENT PROGRAM

CLEAN WATER ENFORCEMENT ACT

ANNUAL REPORT

GUIDELINES

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

PREPARED FOR THE CALENDAR YEAR 20XX ANNUAL REPORT



INTRODUCTION

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

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

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

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

When completed, please submit the report to:

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

CLEAN WATER ENFORCEMENT ACT ANNUAL REPORT GUIDELINES

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

For clarification, the following terms are defined:

- *Cat/Sig/Maj* - means categorical/significant/major indirect user as defined by the DLA
- *Enforcement Actions* - means administrative actions (i.e., notices of violations, issuance of compliance schedule, IU control mechanism modification, IU control mechanism revocation, or other), and legal/ judicial actions (i.e., show cause hearing, orders, injunction, civil actions, penalty including summons, criminal prosecution, or other).
- *Enforcement Costs* - means reasonable costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, reasonable costs of preparing and litigating the case, compensatory damages for any loss or destruction of wildlife, fish or aquatic life, or other natural resources, and for any other actual damages caused by an authorized discharge, and total amount of any economic benefits accruing to the violator from a violation. Please note economic benefits may include the amount of any savings realized from avoided capital or noncapital costs resulting from the violation; the return earned or that may be earned on the amount of avoided costs; any benefits accruing to the violator as a result of a competitive market advantage enjoyed by reason of the violation; or any other benefits resulting from the violation.
- *Hazardous Pollutant* means:
 1. Any toxic pollutant;
 2. Any hazardous substance as defined by the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11; or
 3. Any substance regulated as a pesticide under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 et seq.; or

4. Any substance the use or manufacture of which is prohibited under the Federal Toxic Substances Control Act, 15 U.S.C. 2601 et seq.; or
 5. Any substance identified as a known carcinogen by the International Agency for Research on Cancer; or
 6. Any hazardous waste designated pursuant to the New Jersey Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. or the Federal Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.
- *Other Reg.* - means other regulated indirect user as defined by the DLA. Such a user is not a categorical, significant, or major indirect user but is nonetheless regulated by the DLA through a control mechanism.
 - *Pass Through* - means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NJPDES permit (including an increase in the magnitude or duration of a violation).
 - *Serious Violation* - means an exceedance, as set forth in a permit, administrative order, or administrative consent agreement, including interim enforcement limits, as follows:
 1. For effluent limitations for pollutants that are measured by concentration or mass, except for whole effluent toxicity;
 - i. Violations of an effluent limitation that is expressed as a monthly average;
 - (1) By 20 percent or more for a hazardous pollutant; and
 - (2) By 40 percent or more for a nonhazardous pollutant;
 - ii. Violations of an effluent limitation that is expressed as a daily maximum or daily minimum without a monthly average;
 - (1) By 20 percent or more of the average of all of the daily maximum or minimum values for hazardous pollutant; and
 - (2) By 40 percent or more of the average of all of the daily maximum or minimum values for a nonhazardous pollutant;
 2. The greatest violation of pH effluent range in any one calendar day which violation deviates from the midpoint of the range by at least 40 percent of the midpoint of the range excluding the excursions specifically excepted by a NJPDES permit with continuous pH monitoring. For example:

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

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

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

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

- *Significant Noncomplier* or "SNC" - means any person, except a local agency for an exceedance of an effluent limitation for flow, who commits any of the violations described below, unless the Department uses, on a case-by-case basis, a more stringent frequency or factor of exceedance to determine a significant noncomplier and the Department states the specific reasons therefor, which may include the potential for harm to human health or the environment. Violations which cause a person to become or remain an SNC include:
 1. A serious violation for the same pollutant, at the same discharge point source, in any two months of any consecutive six month period;
 2. Exceedance of an effluent limitation expressed as a monthly average, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six month period;
 3. If there is not an effluent limitation for a particular pollutant expressed as a monthly average, exceedance of the monthly average of the daily maximums for the effluent limitation, for the same pollutant, at the same discharge point source, by any amount in any four months of any consecutive six month period; or
 4. Any exceedance of an effluent limitation for pH by any amount, excluding the excursions specifically excepted by a NJPDES permit with continuous pH monitoring, at the same discharge point source in any four months of any consecutive six month period; or
 5. Failure to submit a completed discharge monitoring report in any two months of any consecutive six month period.

Additional instructions and information for completing the CWEA Annual Report tables:

<u>Question #</u>	<u>Comment</u>
1.	The total number of permitted industries currently discharging to the DLA's treatment works.
2.	This number represents the total number of industrial users which are currently discharging into the DLA's system and <i>should</i> have a permit from the DLA but have not yet been issued a permit or control mechanism. Please provide additional details on any unpermitted discharges in Attachment A, Item 1.
3.	Total number of new discharge permits issued by the DLA during calendar year 2007.
4.	Total number of permits which were renewed by the DLA during calendar year 2007.
5.	Total number of permit modification <i>completed</i> by the DLA during calendar year 2007.
6.	Total number of permits contested by interested parties during calendar year 2007.
7.	Total number of compliance schedules that <i>relax</i> local limits specified in the permit. This number should represent the number of schedules issued as <i>final</i> , and <u>should not</u> include any draft compliance schedules that may have been issued. Please provide additional details (facility, classification, and parameters relaxed) in Attachment A, Item 2.
8.	This number must represent the total number of facilities which were both sampled AND inspected during calendar year 2007. Do not include in this number those facilities which were subject to only one of the required actions (e.g., only inspected and not sampled, or vice-versa). Please provide additional details to explain any shortfalls in Attachment A, Item 3.
9.	This number represents the number of pass throughs of pollutants which occurred at the DLA's treatment facility (or facilities) <i>which can be attributed to an industrial user discharge</i> . The definition of "pass through" is noted on Page iii. Please provide additional details (parameters violated and cause) in Attachment A, Item 4.
10.	<p>This is the total number of industrial user permit violations broken down by reporting violations, and effluent violations for hazardous and non-hazardous pollutants.</p> <p><i>Reporting violations</i> include, but are not limited to, late, incomplete, or non-submission of self-monitoring reports (SMRs), progress reports, spill reports, etc.</p> <p><i>Hazardous pollutants</i> are those pollutants which meet the definition under N.J.S.A. 59:10A-3.u, which is noted on Page ii.</p> <p><i>Non-Hazardous pollutants</i> are those pollutants which are not defined as hazardous pollutants.</p>

Additional instructions and information, continued.

<u>Question #</u>	<u>Comment</u>
11.	This number represents the total number of discharge violations which meet the <i>serious violation</i> definition, as indicated on Page iii.
12.	This number must represent the total number of defenses <i>granted</i> . An affirmative defense is a claim by a permittee that a violation of an effluent discharge limitation was caused by a treatment bypass, a treatment upset, or a testing or laboratory error. Where affirmative defenses have been granted, please categorize each <i>granted</i> defense based on the criteria noted. Please provide additional details in Attachment A, Item 5.
13.	This is the total number of industrial users which have met or meet the <u>State</u> definition of SNC, as indicated on Page iv. This number should include only those facilities which met or meet the State definition, and <u>not</u> those facilities which met or meet the federal SNC definition. <i>The number of facilities listed here must match the number of facilities listed in Attachment B.</i>
14.	No explanation needed.
15.	This is the total number of violations of compliance schedule milestones that are out of compliance by <i>90 days or more</i> .
16a.	This is the number of industrial users, a subset of those listed in question 13 above, which had met the State SNC criteria during 2007, but have achieved compliance prior to the end of calendar year 2007.
16b.	This is the number of industrial users which had met the State SNC criteria during calendar year 2006, but have achieved consistent compliance during calendar year 2007.
17.	This number represents enforcement actions which resulted from inspection and/or sampling events conducted by the DLA. "Enforcement actions" are defined on Page ii.
18.	This is the total number of violations for which civil or civil administrative penalties have been assessed. Since one civil penalty or civil administrative penalty may address several violations, the number noted under this question may be much greater than the total number of penalties issued.
19.	This is the <i>dollar amount</i> of all civil and civil administrative penalties <i>assessed</i> during calendar year 2007.
20.	This is the <i>dollar amount</i> of all civil and civil administrative penalties <i>collected</i> during calendar year 2007. This amount includes partial payments which the DLA has received pursuant to a payment schedule and collection from previous years' assessments of penalties.

Additional instructions and information, continued.

<u>Question #</u>	<u>Comment</u>
21.	This dollar amount represents the enforcement costs <i>recovered</i> in a civil action or civil administrative action. This money must have been paid to and received by DLA during the calendar year. "Enforcement costs" are defined on Page ii.
22.	This is the total number of criminal actions filed by the Attorney General or county prosecutor during calendar year 2007. This number may correlate with the response to question number 25.
23.	Permittees which have met or currently meet the State SNC criteria must be listed in Attachment B. This list must also include information relative to the IU (address and permit number), as well as information relative to the IU's noncompliance status, such as a description and date of each violation, date the violation was resolved, and the total number of violations. The number of industries listed in this Attachment must be the same as the response to question number 13. If no permittees met the State SNC criteria, indicate "None" as a response.
24.	Permittees which are six months behind in the construction phase of a compliance schedule must be listed in Attachment C. If no permittees meet this criteria, indicate "None" as a response. Please be sure that this question is answered.
25.	Permittees convicted of criminal conduct must be listed in Attachment D. If no permittees meet this criteria, indicate "None" as a response. This response may correlate with the response to question 22. Please be sure that this question is answered.
26.	If no money had been collected during the year, indicate "Not Applicable" as a response. Please be sure that this question is answered.

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

Attachment A, Item 1

Unpermitted Discharges (Question # 2)

Facility	Classification	Reason Not Permitted
Chief's Meats	SIU	Reclassified as SIU 10/07
JoPa's Tubing	CIU	New discharger beginning 9/07

Attachment A, Item 2

Compliance Schedules that Relax Local Limits (Question # 7)

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

Attachment A, Item 3

Facilities Not Inspected and Sampled (Question # 8)

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

Attachment A, Item 4

Pass Through (Question # 9)

Facility	Classification	Parameter violated and cause
King Imports	SIU	TSS in 5/07, sludge discharge from noted SIU
unknown	N/A	BOD violations in 11/07, possible cause being investigated

Attachment A, Item 5

Affirmative Defenses Granted (Question # 12)

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

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

Control Authority: _____

Report Date: _____

Period Covered by this Report: January 1, 2007 to December 31, 2007

Wastewater Treatment Plant(s)	NJPDES Permit Number
_____	_____
_____	_____
_____	_____
_____	_____

Person to contact concerning information in this report:

Name: _____

Title: _____

Mailing Address: _____

Telephone Number: _____

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Date

Signature of Official

Title

SECTION I: CONTROL MECHANISMS

FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2007

- | | | |
|----|---|--|
| 1. | Total number of permitted industries: | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 2. | Total number of unpermitted discharges (Provide details in Attachment A, Item 1): | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 3. | Total number of new permits: | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 4. | Total number of renewed permits: | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 5. | Total number of permit modifications: | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 6. | Total number of permits contested by interested parties: | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 7. | Total number of compliance schedules issued through Administrative Order or Administrative Consent Order involving interim limits that RELAX local limits specified in the permit (Provide details in Attachment A, Item 2): | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 8. | Total number of facilities inspected AND sampled at least once (Provide details on any shortfalls in Attachment A, Item 3): | Cat/Sig/Maj: _____
Other Reg. : _____ |

SECTION II: VIOLATIONS

FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2007

- | | | |
|-----|---|--|
| 9. | Total number of pass throughs of pollutants (Provide details in Attachment A, Item 4): | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 10. | Total number of permit violations: | Cat/Sig/Maj: _____
Other Reg. : _____ |
| | <u>Reporting violations:</u>
(includes, but is not limited to late, incomplete, or non-submission of Self-Monitoring reports (SMRs) progress reports, spill reports, etc.) | Cat/Sig/Maj: _____
Other Reg. : _____ |
| | <u>Effluent violations for hazardous pollutants:</u> | Cat/Sig/Maj: _____
Other Reg. : _____ |
| | <u>Effluent violations for non-hazardous pollutants:</u> | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 11. | Total number of effluent violations constituting <i>serious violations</i> , including violations that are being contested: | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 12. | Total number of defenses for upsets, bypasses, testing, or laboratory errors granted that involve serious violations (Provide details in Attachment A, Item 5): | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 13. | Total number of IUs qualifying as <i>significant noncompliers</i> , including permittees contesting such designation: | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 14. | Total number of violations of administrative orders or administrative consent orders, including violations of interim limits, or of compliance schedule milestones for starting or completing construction, or for failing to attain full compliance: | Cat/Sig/Maj: _____
Other Reg. : _____ |
| 15. | Total number of violations of compliance schedule milestones for starting or completing construction, or attaining full compliance, that are out of compliance by 90 days or more from the scheduled date: | Cat/Sig/Maj: _____
Other Reg. : _____ |

SECTION III: ENFORCEMENT ACTIONS

FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2007

- 16a. Of the number of IUs identified in question #13 above, how many, at the close of the reporting period, are no longer in SNC status: Cat/Sig/Maj: _____
Other Reg. : _____
- 16b. The number of IUs which were listed as SNCs under question #13 in the 2006 CWEA Annual Report which have achieved compliance during 2007: Cat/Sig/Maj: _____
Other Reg. : _____
17. Total number of enforcement actions resulting from POTW Inspection/sampling: Cat/Sig/Maj: _____
Other Reg. : _____
18. Total number of violations for which civil penalties or civil administrative penalties have been assessed: Cat/Sig/Maj: _____
Other Reg. : _____
19. Total dollar amount of all assessed civil penalties and civil administrative penalties: Cat/Sig/Maj: \$ _____
Other Reg. : \$ _____
20. Total dollar amount of civil administrative penalties and civil penalties collected, including penalties for which a penalty schedule has been agreed to by the violator: Cat/Sig/Maj: \$ _____
Other Reg. : \$ _____
21. Total dollar amount of enforcement costs recovered in a civil action or civil administrative action from a violator: Cat/Sig/Maj: \$ _____
Other Reg. : \$ _____
22. Total number of criminal actions filed by the Attorney General or county prosecutors pursuant to section 10 of P.L.1977, c.74 (C.58:10A-10) Cat/Sig/Maj: _____
Other Reg. : _____
23. Attach a list of permittees qualifying as significant noncompliers, including address, permit number, brief description and date of each violation, date that the violation was resolved, and total number of violations. Mark as "**Attachment B.**"
24. Attach a list of permittees at least six months behind in the construction phase of a compliance schedule at the close of the reporting period, including address, permit number, brief description of the conditions violated, the cause of delay, and the current compliance status. Mark as "**Attachment C.**"
25. Attach a list of permittees convicted of criminal conduct, including brief description and date of the violation or violations for which convicted. Mark as "**Attachment D.**"
26. Note the specific purposes for which penalty monies collected have been expended, displayed in line-item format by type of expenditure and including, but not limited to, position numbers and titles funded in whole or in part from these penalty monies. Mark as "**Attachment E.**"

FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 2007

Attachment A, Item 1

Unpermitted Discharges (Question # 2)

Facility	Classification	Reason Not Permitted

Attachment A, Item 2

Compliance Schedules that Relax Local Limits (Question # 7)

Facility	Classification	Parameters with Relaxed Limits

Attachment A, Item 3

Facilities Not Inspected and Sampled (Question # 8)

Facility	Classification	Comments

Attachment A, Item 4

Pass Through (Question # 9)

Facility	Classification	Parameter violated and cause

Attachment A, Item 5

Affirmative Defenses Granted (Question # 12)

Facility	Classification	Reason for Affirmative Defense