

Supplemental Environmental Projects

New Jersey Department
of Environmental
Protection



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Supplemental Environmental Project Policy

- Approved by Assistant Commissioner of Enforcement on December 5, 2011
- Can be found at :

www.nj.gov/dep/transformation/enforcement/sep_rule.html

What is a Supplement Environmental Project (SEP)?

- Environmentally beneficial project that respondent agrees to perform as part of settlement – Administrative Consent Order
- Environment or public health must be primary beneficiary
- Must include measureable environmental benefits

A SEP is NOT

- A project that would have been needed to comply with an enforcement order for a specified source
- Used to totally mitigate penalty

How?

- Respondent proposes at time of settlement
- Review by Department for approval/modification/rejection
- Incorporated into binding enforcement agreement (ACO)

Relationship of SEP to violation

- Reduces the adverse impact to health and environment of affected area
- Reduces likelihood that similar violations would reoccur in the future
- Must consider the community impacted, otherwise an indirect SEP can be considered

Impact on Penalty

- For each dollar spent on SEP, one dollar is deducted from the penalty settlement amount up to 75%(50% for WPCA)
 - Example: Penalty \$125,000
 - Settlement : \$100,000
 - SEP amount \$75,000 (75% of settlement)
- 25% of settlement amount (50% for WPCA) must be paid (\$25,000)

Unacceptable for SEP

- Monetary Donation
- DEP or other state agency managing controlling funds
- Any promotion/publication of SEP must clearly indicate that it was completed as part of an enforcement action

EXAMPLES

Categories of SEPs Approved

- Pollution Reduction
- Pollution Prevention
- Remediation
- Environmental Enhancement

Diesel Oxidation Catalyst



Solar



Idle Air



Abandoned Gas Station at 2048 South Broadway – Camden, NJ





UST Removal



Stormwater from Broadway directed to Waterfront South Rain Garden



Green space and Park Improvement



Other Examples

- Rebates for Hybrid Cars
- Indirect SEP
- Diesel Particulate Filter
- Electrification

Additional Information

- www.nj.gov/dep/transformation/enforcement/seprule.html
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● Questions

