



# **Most Common Violations Detected at Farms**

According to the NJ Department of Agriculture's 2006 Annual Report, there are approximately 9,800 farms covering 790,000 acres of land and generating \$858 million in revenues within the Garden State. New Jersey has farms for fruits, berries, vegetables, livestock and livestock products, field crops and horticulture. In order to provide New Jersey's myriad of farm owners and operators with information on environmental practices aimed at reducing impacts on the environment, the New Jersey Department of Environmental Protection (DEP) has identified 23 of the most frequently encountered environmental issues found when inspecting farms.

1. Open burning of material and/or operation of outdoor wood boilers
2. Dust and/or odor impacts off-site
3. Failure to obtain air permits for fuel (gasoline/diesel) tanks and commercial compost operations
4. Failure to register underground storage tanks used for storing motor fuel for noncommercial purposes which have a capacity of >1100 gallons
5. Failure to provide spill, overfill, corrosion protection and/or leak detection for underground storage tanks which have a capacity of >1100 gallons
6. Disposing of solid waste onsite
7. Failure to obtain an Agricultural Certification for wells that can pump >100,000 gallons per day
8. Failure to obtain a Water Use Registration for wells that have the ability to pump >100,000 gallons per day but pump <100,000 gallons per day
9. Failure to renew water allocation permit/registrations every five years
10. Failure to obtain a well drilling permit prior to drilling a new well
11. Failure to properly manage manure
12. Allowing animals to come into contact with water bodies and introducing waste or creating erosion problems
13. Failure to prevent runoff into water bodies from confinement areas that contain animal waste
14. Failure to prevent runoff into water bodies from applied sludge or manure outside of the targeted land application area
15. Over applying sludge or manure products to land

# COMPLIANCE ADVISORY

16. Failure to provide pesticide safety training to workers and/or handlers (those who mix or apply pesticides, or handle application equipment)
17. Failure to obtain a pesticide applicator license (since November 2003, the pesticide applicator license requirement was expanded to include the use of “general-use” or “over-the-counter” pesticides, in addition to the longstanding requirement for licensing for the use of “restricted” pesticides).
18. Failure to record the correct start time for a “Restricted Entry Interval” (REI). The REI is the time that must elapse between the end of a pesticide application and when it is permissible for a worker to enter the treated area or field, according to the pesticide label directions. Thus, it is the time that a pesticide application is finished that is the basis for the starting time of the REI. Farmers who record only the start of a pesticide application as the time of application in their required records may send their workers back into sprayed fields too soon, in violation of the REI.
19. Failure to post one or more of the required items in the “central posting” of pesticide safety information for farm workers and handlers.
20. Failure to inform the local fire department in writing of the pesticides stored and the location of the storage area, including the required cover letter for this information.
21. Failure to maintain appropriate pesticide application information
22. Converting wetlands and formerly fallow transition areas to pasture or farm fields
23. Failure to obtain permits under the Freshwater Wetlands Protection Act (FWPA) for farm activities. Some farm exemptions exist for lands that are already in cultivation. However, like anyone else, farmers may not fill, drain, bring new land under cultivation, or perform construction or development activity in areas of land use jurisdiction that have not been continuously farmed since 1987. No wetlands may be filled.

Activities that may be exempt from regulation include:

- A. Construction of farm access roads if:
  - The roads are placed in an area with as little impact to freshwater wetland or freshwater wetland transition areas as possible
  - The roads are only wide enough for single lane use by farm machinery (approx. 12 feet)
  - The roads do not alter the surface water flow to/from freshwater wetlands,
  - Best Management Practices (BMPs) pursuant to N.J.A.C. 7:7A-2.8 are followed.
- B. Harvesting of timber consistent with a NJ State DEP approved Forestry Management Plan and BMPs
- C. Construction of irrigation ponds for farming purposes if the spoils are disposed of out of freshwater wetlands.

**None of the potentially exempt activities apply if the farm is being taken out of active crop production or the land is changing use. All other potentially regulated activity requires a Land Use permit from DEP.**

## Who should I contact with questions?

### Land Use Regulation Technical Support Center

-Wetlands or Highlands Questions

(609) 777-0454

-Waterfront Development, CAFRA, Stream

Encroachment or Flood Hazard Area Questions

(609) 984-0162

# COMPLIANCE ADVISORY

**Land Use Compliance and Enforcement** (609) 292-1240

**Pesticide Control Program** (609) 984-6568

**Solid Waste Compliance and Enforcement** (609) 584-4180

**Northern Field Office** (Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren counties)

**Air Compliance and Enforcement** (973) 656-4444

**Water Compliance and Enforcement** (973) 656-4099

**Central Field Office** (Mercer, Middlesex, Monmouth, Ocean, and Union Counties)

**Air Compliance and Enforcement** (609) 584-4100

**Water Compliance and Enforcement** (609) 584-4200

**Southern Field Office** (Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem counties)

**Air Compliance and Enforcement** (856) 614-3601

**Water Compliance and Enforcement** (856) 614-3655

## Where can I get more information?

The following web sites can be accessed for additional information regarding this advisory:

Compliance & Enforcement <http://www.nj.gov/dep/enforcement/>

Land Use Regulation [www.nj.gov/dep/landuse/](http://www.nj.gov/dep/landuse/)

Water Supply <http://www.nj.gov/dep/watersupply/alocatin.htm>

Underground Storage Tanks <http://www.nj.gov/dep/srp/bust/>

Pesticide Control <http://www.nj.gov/dep/enforcement/pcp/>

Air Quality Permitting <http://www.state.nj.us/dep/aqpp/>

Solid and Hazardous Waste <http://www.nj.gov/dep/dshw/>

Natural Resources Conservation Service - Manure Management Standards  
<ftp://ftp-fc.sc.egov.usda.gov/NHQ/practice-standards/standards/633.pdf>

**Visit the following Web site for general information:**

Contact NJDEP: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

**To comment on this advisory:**

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

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement numbers listed above.