



# Compliance Advisory

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Compliance & Enforcement #2021-07 Issued: 06/14/2021

## Increased Attention to Significant Non-Compliant Dischargers

### WHO IS AFFECTED BY THIS ADVISORY?

All New Jersey Pollutant Discharge Elimination System (NJPDES) permit holders who submit discharge monitoring reports.

### WHAT IS SNC?

In New Jersey, "Significant noncomplier" or "SNC", defined in Water Pollution Control Act, N.J.A.C. 7:14-8.2, means any person, except a local agency for an exceedance of an effluent limitation for flow, who commits any of the violations described below. Violations which cause a person to become or remain an SNC include, but are not limited to:

1. A serious violation for the same pollutant, same discharge point, 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;
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.

### WHY IS DEP ADDRESSING SIGNIFICANT NON-COMPLIANCE?

The United States Environmental Protection Agency (USEPA) has established the reduction of significant non-compliance as a National Compliance Initiative. The goal is to improve water quality and reduce potential impacts on drinking water. Violations range from significant exceedances of effluent limits, which can harm human health and the environment, to failure to submit reports, which can mask serious violations.

### WHAT IS DEP DOING?

DEP has adopted the USEPA National Compliance Initiative as one of its priorities. This advisory is designed to help NJPDES permittees achieve or maintain compliance and avoid potential

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enforcement and penalties. If you own or operate a facility with a permit issued under the NJPDES program, including a state-issued permit under the New Jersey Water Pollution Control Act, you have an obligation to comply with the effluent limits, reporting requirements, and other requirements in the permit. Non-compliance may subject you to substantial penalties through enforcement actions. The DEP will continue to provide assistance to NJPDES permittees to achieve or maintain compliance.

## WHAT SHOULD I DO?

NJPDES permittees are encouraged to assess their compliance status in the following ways:

- Review your permit and discharge monitoring reports (DMRs).
- Pay particular attention to new or modified monitoring requirements.
- Test as early in the month as possible to facilitate the ability to do additional monitoring.
- Use EPA's Enforcement & Compliance History Online (ECHO) tool to look up your facility (see Page 2 for EPA website link).
- If your facility has NJPDES violations, DEP recommends that you take immediate action to correct them and notify your Water Compliance and Enforcement inspector.
- Be familiar with non-compliance reporting requirements specified in your permit, which include notifying the DEP's hotline (1877-WARN-DEP)

## WHO SHOULD I CONTACT WITH QUESTIONS?

**For compliance, inspection or enforcement questions, please contact:**

DEP Water Compliance and Enforcement	(973) 656-4099 (Northern)
	(609) 292-3010 (Central)
	(856) 614-3655 (Southern)

## WHERE CAN I GET MORE INFORMATION?

The following websites can be accessed for additional information:

EPA Compliance Initiative, <https://www.epa.gov/enforcement/national-compliance-initiative-reducing-significant-non-compliance-national-pollutant>

EPA Compliance Advisory, <https://www.epa.gov/compliance/compliance-advisory-clean-water-agencies-increasing-attention-significant-non-compliance>

EPA ECHO, <https://echo.epa.gov/>

DEP Dataminer, <https://www13.state.nj.us/DataMiner>

To comment on this compliance advisory: <https://www.nj.gov/dep/enforcement/survey.html>

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