



# OFFICE OF THE GOVERNOR

## NEWS RELEASE

CN-001

Contact: EMMA BYRNE  
609-292-8956

TRENTON, N.J. 08625

Release: WED., 5/23/90

### GOVERNOR FLORIO SIGNS TOUGHEST CLEAN WATER BILL IN THE COUNTRY

Standing on the boardwalk in Asbury Park only a few yards from the spot where he announced his candidacy for Governor, Jim Florio today made good on a promise he had made that day and signed into law the nation's toughest water enforcement law. The bill increases the top fine for water pollution to \$250,000 from \$7,500.

"I said then that I wanted to be the Governor who makes sure everyone in New Jersey -- when we turn on the faucet -- gets safe, clean, water to drink. Well, I'm Governor -- and I'm back."

He went on to offer a warning to those who might pollute New Jersey's waters. "No more will you be able to 'throw away and get away'. We won't just pick up your garbage; we'll pick you up too. Your garbage will go to the dump and you'll go to jail."

The law covers industries and sewage treatment plants. It imposes mandatory fines and penalties for violations and, for the first time, clearly defines those violations. Wastewater is a major source of pollution in our streams, rivers, lakes and ocean.

"But," said the Governor, "this law isn't just about pollution and penalties. It's about power. The power of people to unite for their own common interest. The power for everyday people to take on those who would foul our water, because the law gives people the means to do that."

The law forces sewage treatment plant operators to pay more attention to industries who discharge wastewater into their facilities. Sewage plants must now inspect dischargers and periodically do an analysis of incoming pollutants. Industries will begin to feel more pressure not only from these inspections but from a portion of the law which calls for the highest ranking official in the company to sign the monitoring reports. It also requires industries to report within two hours violations which pose a threat to the environment or the public health.

Violators will also face public scrutiny due to a provision in the law which calls for newspapers to be notified by the DEP of the names and locations of all "significant noncompliers."

Fines of up to \$1 million a day for the most severe violations will be set aside in two special accounts which have been created to cover the costs of DEP's enforcement and implementation responsibilities as well as the continued training of treatment plant operators and the upgrading of wastewater treatment plants.

#####

## **CLEAN WATER ENFORCEMENT ACT Fact Sheet**

The Clean Water Enforcement Act is the strongest water pollution enforcement law in the nation. It provides, for the first time, mandatory fines and penalties for violating the terms of permits that govern the discharge of wastewater into our waterways and sewage treatment plants.

It sets stiff criminal penalties for reckless, negligent water pollution. And, it gives the public more power to discover and act against polluters.

Most of those covered by the law are industrial facilities and sewage treatment plants. The prime pollutant target is wastewater: the liquid byproduct that remains when solids are removed from materials being processed for disposal. Such wastewater is a major source of pollution in lakes, rivers and streams, as well as the ocean.

The law being signed by Governor Florio requires stricter monitoring by sewage treatment plants of industrial dischargers. This, in addition to the penalties, will help put pressure on industries to properly treat their wastes.

### **WHAT ARE THE KEY PROVISIONS OF THE ACT?**

\* Any person discharging wastewater into the surface or ground water must obtain a New Jersey pollutant discharge permit from the Department of Environmental Protection.

\* The permit sets the terms and conditions under which a permittee may discharge wastewater, based on DEP's assurance that the amount or concentration of pollutants being discharged will not harm the receiving waters or the public health.

\* Those required to obtain permits will include: publicly owned treatment works (POTWs), industries discharging directly into water or large industrial facilities discharging into POTWs.

\* For the first time, this Act clearly defines permit violators, sets specific mandatory civil and criminal penalties, outlines new reporting and inspection requirements and provides for the creation of two special dedicated fund accounts to collect penalty money which would be used for training and for loans to local governments to upgrade treatment facilities.

**UNDER THESE NEW, STRICTER REPORTING AND INSPECTION REQUIREMENTS, WHAT ACTIONS CAN BE TAKEN TO MONITOR DISCHARGE ACTIVITY?**

\* The highest ranking official with day-to-day responsibility for operating a plant must sign the monitoring reports.

\* Facilities must report any violation which poses a threat to health or the environment within 2 hours.

\* Sewage plants must inspect facilities of permitted dischargers and do analyses of incoming pollutants.

**HOW DO THE TWO SPECIAL DEDICATED FUNDS WORK?**

1. The "Clean Water Enforcement Fund," will be sustained by money from penalties, fines or other enforcement actions taken by DEP in response to violations of the Act. Also dedicated to the fund will be assessments or damages collected as a result of loss or destruction of wildlife, aquatic life or other natural resources.

The money will go toward DEP's enforcement and implementation responsibilities and the existing "Wastewater Treatment Fund" for use in providing loans to local governments to upgrade wastewater treatment facilities.

2. The "Wastewater Treatment Operators' Training Account," will be established to provide money for the training and continuing education of wastewater treatment operators. It will be funded by 10 percent of the penalties collected in actions brought by local agencies for violations of the Act. The remaining 90 percent will be used for continued enforcement of the Act and the upgrade of municipal treatment works.

**HOW WILL THE PUBLIC BE MADE AWARE OF LOCAL VIOLATORS?**

DEP must provide an annual report to the Governor and the Legislature in March of each year which documents all data relevant to the enforcement of the Act. Within 30 days of the release of that report, the Commissioner of DEP shall provide a written notice for publication in at least one newspaper in each county indentifying the name and location of all "significant noncompliers."

#####

### CIVIL PENALTIES

| VIOLATION   | PENALTY  |
|---|--|
| <p>1. Serious Violation</p> <p>Violation of a water permit limit by 20% over for a hazardous pollutant and 40% over for a non-hazardous pollutant.</p>  | <p>\$1,000 mandatory minimum fine</p>  |
| <p>2. Significant Non-Complier</p> <p>a. Two Serious Violations within 6 months;<br/> b. A violation of a permit by any level for any single pollutant 4 times in 6 months<br/> c. Failure to submit monitoring reports for any 2 months in a 6 month period.</p> | <p>1) \$5,000 mandatory minimum fine<br/> 2) Increased inspections by State Department of Environmental Protection (DEP)<br/> 3) Publication of identity in annual DEP report;<br/> 4) Notification of identity to newspapers.</p> |
| <p>3. Reporting violations</p> <p>Omission of permit level on a monitoring report</p>   | <p>\$100 per day per limit</p>   |

### CRIMINAL PENALTIES

| VIOLATION   | PENALTY  |
|---|--|
| <p>1. Purposeful, knowing, violation of permit limitation, or discharge without a permit, which places person in imminent danger of death or serious injury</p> | <p>1ST degree crime: fine of \$50,000 - \$250,000: (for corporation \$200,000 - \$1,000,000) per day of violation, or imprisonment or both</p> |
| <p>2. Purposeful, knowing or reckless violation which causes a significant adverse environmental impact</p>   | <p>2ND degree crime: fine of \$25,000 - \$250,000 per day of violation, or imprisonment, or both</p>   |
| <p>3. Purposeful, knowing, reckless violation, false statement, tampering with equipment, etc.</p>  | <p>3RD degree crime: fine of \$5,000 - \$75,000 per day of violation, or imprisonment, or both; mandatory 10 days imprisonment</p>             |
| <p>4. Negligent violation of Act</p>  | <p>4TH degree crime: fine of \$5,000 - \$50,000 per day of violation, or imprisonment, or both</p>   |

REMARKS PREPARED FOR DELIVERY BY GOVERNOR JIM FLORIO  
CLEAN WATER ENFORCEMENT ACT BILL SIGNING  
ASBURY PARK, NEW JERSEY  
WEDNESDAY, MAY 23, 1990

---

NEARLY 14 MONTHS AGO I CAME TO ASBURY PARK TO MAKE A PROMISE. IT WAS THE DAY I ANNOUNCED I WAS RUNNING FOR GOVERNOR. I SAID I WANTED TO BE THE GOVERNOR WHO MAKES SURE EVERYONE IN NEW JERSEY -- WHEN WE TURN ON THE FAUCET -- GETS SAFE, CLEAN, WATER TO DRINK.

AND I SAID I WANT TO BE THE GOVERNOR WHO MAKES SURE WE CAN ALWAYS ENJOY THE BEAUTY AN INSPIRATION OF THE JERSEY SHORE.

WELL, I'M GOVERNOR -- AND I'M BACK.

NOT TO MAKE PROMISES, BUT TO KEEP THEM. NOT TO CALL FOR TOUGH MEASURES TO FIGHT POLLUTERS -- BUT TO SIGN INTO LAW THE TOUGHEST CLEAN WATER ENFORCEMENT RULES IN THE UNITED STATES.

TO THOSE WHO WOULD POLLUTE OUR WATER LET ME MAKE IT VERY CLEAR: NO MORE EXCUSES. NO MORE "IFS." NO MORE "BUTS." NO MORE WILL YOU BE ABLE TO "THROW AWAY AND GET AWAY."

WE WON'T JUST PICK UP YOUR GARBAGE; WE'LL PICK YOU UP TOO. YOUR GARBAGE WILL GO TO THE DUMP AND YOU'LL GO TO JAIL.

FOR THE REST OF US -- THOSE OF US WHO ARE SERIOUS ABOUT FIGHTING FOR CLEAN WATER -- THIS IS A HAPPY DAY. IT'S A CELEBRATION OF OUR VALUES AND OF THE TENACITY OF THE PEOPLE WHO MADE THIS HAPPEN. PEOPLE LIKE SENATORS, VAN WAGNER, DALTON, AND BENNETT. ASSEMBLYMEN DUCH, SMITH, AND VILLIPIANO.

OTHERS TOO. ACTIVISTS WHO GOT TOGETHER IN THE TRUE SPIRIT OF COMMUNITY. AND GROUPS, LIKE THE NEW JERSEY ENVIRONMENTAL FEDERATION, WHICH JANE REPRESENTS.

THIS LAW ISN'T JUST ABOUT POLLUTION. IT'S ABOUT POWER. THE POWER OF PEOPLE TO UNITE FOR THEIR COMMON INTEREST. THE POWER FOR EVERYDAY PEOPLE TO TAKE ON THOSE WHO WOULD FOUL OUR WATER, BECAUSE THIS LAW GIVES PEOPLE THE MEANS TO DO THAT.

I HOPE WE NEVER HAVE TO USE THE TOUGH PROVISIONS OF THIS LAW. I WANT TREATMENT PLANTS AND WASTE DISCHARGERS TO TAKE IT UPON THEMSELVES TO STOP POLLUTING. I WANT THEM TO UNDERSTAND THAT THE COST OF DOING THE RIGHT THING MIGHT SEEM EXPENSIVE -- BUT IN REALITY, IT'S VERY LITTLE, COMPARED TO THE COSTS OF DOING NOTHING.

BUT, IF THEY DON'T TAKE THE HINT, WE'LL BE READY.

SO IT'S WITH A GREAT DEAL OF SATISFACTION THAT I SIGN THIS BILL INTO LAW.

IN A FEW DAYS, THESE BEACHES WILL BE ALIVE WITH PEOPLE ENJOYING THE WARMTH OF THE SUN AND THE SURGE OF THE WAVES. THE SHORE WILL BE, FOR THEM, WHAT IT HAS BEEN FOR GENERATIONS -- A PLACE TO RELAX IN THE SAND, TO MARVEL AT THE MAJESTY OF THE SEA, TO REFLECT ON THE BEAUTY WE'VE INHERITED.

THE STEP WE TAKE TODAY WILL HELP MAKE THAT POSSIBLE. BUT MORE IMPORTANT, WE'RE SAYING THAT WE ARE READY AND WILLING TO DO WHAT IT TAKES TO MAKE SURE THAT OUR CHILDREN, AND THEIR CHILDREN, WILL ALSO BE ABLE TO COME HERE. THE SHORE WILL REMAIN FOR THEN A VIBRANT, VITAL PLACE -- NOT A DIM MEMORY FROM FADED PHOTOGRAPHS.

TO DO THIS IS OUR DUTY. TO DO LESS WOULD BE OUR SHAME.

— THANK YOU.