



**PROGRAM MATERIALS**

**Program #30105**

**April 10, 2020**

## **Environmental Compliance Concerns During the Pandemic - What Regulated Parties Should Consider**

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# **ENVIRONMENTAL COMPLIANCE CONCERNS DURING THE PANDEMIC – WHAT REGULATED PARTIES NEED TO KNOW**

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April 10, 2020

# INTRODUCTION

- The Covid-19 Pandemic has created multiple challenges for everyone including regulated industries
- During this time of focus on public health, it would be easy for environmental compliance to slip

# INTRODUCTION

- The United States Environmental Protection Agency (“USEPA”), the New Jersey Department of Environmental Protection (“NJDEP”) and the New York State Department of Environmental Conservation (NYSDEC) have recognized the difficulties facing the regulated community.
- This presentation will review the guidance from these agencies and discuss other statutory and regulatory requirements that may provide relief in these trying times

# BASIC PRINCIPLES

- Minimize harm to the environment
- Know what's in your permits and any agency agreements (consent orders, etc.)
- Communicate / Notify
- Document

# **USEPA MEMORANDUM - COVID-19 IMPLICATIONS FOR EPA'S ENFORCEMENT AND COMPLIANCE ASSURANCE PROGRAM**

- Temporary enforcement policy brought about by the pandemic
- EPA exercise of enforcement discretion during the applicable time period
- Retroactive to March 13, 2020

# USEPA MEMORANDUM - COVID-19

## IMPLICATIONS FOR EPA'S ENFORCEMENT AND COMPLIANCE ASSURANCE PROGRAM

- Requires regulated parties to follow the steps specified in the policy
- Does not change State requirements or require States to follow - each State follows its own State authority
- Does not apply to criminal violations

# BASIS FOR USEPA CONCERNS

- Social distancing restrictions may limit availability of key staff, contractors and laboratories
- This may lead to an inability to comply with permit or regulatory requirements
- May impact ability to meet milestones in consent decrees



# GENERAL CONDITIONS

- Make every effort to comply
- In circumstances where compliance is not achievable:
  - Act responsibly to minimize effects and duration
  - Identify specific nature and dates of noncompliance
  - Identify how COVID-19 was the cause and spell out the decisions taken in response and steps taken to comply
  - Return to compliance ASAP
  - Document all of the above

# ROUTINE COMPLIANCE MONITORING/ OTHER ACTIVITIES

- Enforcement discretion may be exercised with respect to:
  - Routine monitoring
  - Integrity testing
  - Sampling
  - Laboratory analysis
  - Training
  - Reporting or certification

# REQUIREMENTS

- Use existing procedures to document non-compliance
- May be specified in a permit
- May be specified in a regulation
- Must be able to prove to EPA that noncompliance was caused by Covid-19
- Must show that there was not an alternative means to comply - *i.e.* online training class
- Must come back into compliance ASAP - but may not need to catch up

# SETTLEMENT AGREEMENTS AND CONSENT DECREES

- Follow the force majeure provisions in any Administrative Settlement or Administrative Consent Order
- Use notice procedures in the Judicial Consent Order/Settlement
- Document cause for delay/noncompliance
- Proceed as proposed in the notice until EPA/DOJ responds

# FACILITY OPERATIONS

- If there are concerns that COVID-19 impacts to facility operations will create an acute or imminent threat initiate contact with USEPA or the applicable state agency
- For water or air emissions that may exceed limits follow the notice and other requirements of the permits
- Document

# HAZARDOUS WASTE GENERATORS

- If unable to dispose of hazardous waste within 90 days of generation as a result of COVID-19:
  - Continue to label and store waste as required
  - Notify EPA/State
  - Dispose of waste as soon as possible after emergency lifts

# OTHER PROVISIONS / ACTIONS

- Public Water systems
- Critical infrastructure
- State oversight
- Accidental releases
- Criminal Violations
- Relaxation of fuel standards:  
<https://www.epa.gov/newsreleases/epa-announces-steps-protect-availability-gasoline-during-covid-19-pandemic>
- EPA Comments

# NJDEP ACTIONS

- March 20, 2020 Compliance Advisory/Enforcement Alert – Hotline Notification Requirements – reminder of the need to call 1-877-WARN DEP for any discharges, water quality emergencies, or exceedance of an effluent limit : <https://www.nj.gov/dep/enforcement/advisories/2020-04.pdf>
- March 26, 2020 Compliance Advisory/Enforcement Alert – Water Systems and Wastewater Monitoring – Provides background on implementation of reduced monitoring frequency during the pandemic: <https://www.nj.gov/dep/enforcement/advisories/2020-05.pdf>
- April 8, 2020 Compliance Alert -- General Guidance on Regulated Medical Waste



# NJDEP WASTEWATER GUIDANCE

- NJDEP is allowing for reduced frequency of monitoring and reporting for certain wastewater facilities during this time

<https://www.nj.gov/dep/dwq/covid19.html>

- Does not apply to sites under an ACO
- Does not eliminate/change notice requirements

# NJDEP MEDICAL WASTE GUIDANCE

- Recognition that pandemic will lead to increased generation of and more of a need to address regulated medical waste
  - Provides information on waste characterization:
  - Waste contaminated by COVID-19 patient excretions is RMW
  - PPE and cleaning materials potentially contaminated is RMW
  - Other PPE and cleaning materials are not RMW
- Commercial Cleaning Companies not exempt from RMW rules nor are Home Health Aids

# NJDEP MEDICAL WASTE GUIDANCE

- Private homes are not subject to RMW rules but are advised to take extra precautions if dealing with known or potential COVID issues
- Testing sites, temporary hospitals and diagnostic labs must register as RMW facilities at [covid19rmw@dep.nj.gov](mailto:covid19rmw@dep.nj.gov)
- RMW transporters and facilities remain subject to the same rules, but are provided guidance for handling reporting from temporarily registered facilities and for seeking increased limits.

# NYSDEC GUIDANCE

- COVID 19 Emergency Construction
  - <https://www.dec.ny.gov/permits/96337.html>
  - Provides for emergency permits for COVID-19 related facilities
- Enforcement Discretion on Signature Procedures during COVID-19 Emergency
  - [https://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/temp\\_sigprocovid2.pdf](https://www.dec.ny.gov/docs/materials_minerals_pdf/temp_sigprocovid2.pdf)
- Allows for alternative procedures for signatures on waste disposal documents during the state of emergency



## State of New Jersey

### DEPARTMENT OF ENVIRONMENTAL PROTECTION *Air Compliance & Enforcement*

The Department provides the following outline as guidance to persons asserting affirmative defense in accordance with P.L. 1993 c. 89. The following information, if available, should be included in the written documentation submitted to the Department within 30 days of the occurrence.

#### I. Company Information

- A. Facility Name, address, PI Identification #, location of occurrence (if different then the address).
- B. Permit/Certificate # and Emission Unit # of equipment in question.

#### II Incident Information

- A. Date and time of occurrence.
- B. Comm. Center Case # from DEP hotline (Note, initial notification to the Department must be made by the end of the second day after the occurrence, the DEP hotline telephone # is 1-877-927-6337)
- C. Describe in detail the cause of the malfunction which resulted in the references violation. (Provide a detailed technical explanation.
- D. Explain in detail the cause of the violation resulting from equipment startup, shutdown, or necessary maintenance:
  1. Provide the duration of each incident as applicable (examples; State the duration between initial startup to actual production/on-line operation, or demonstrate the time from which shutdown procedures begin or until they are complete.)
  2. Describe the steps or procedures taken to accomplish startup, shutdown, or necessary maintenance.
  3. If startup, shutdown, or necessary maintenance resulted from a malfunction, please note this and follow II.C. above.
- E. Demonstrate that the facility was operated with due care:
  1. Explain standard operating procedures for the equipment directly related to the violation, were these followed?
  2. What are the manufacturer's specifications and/or instructions for proper equipment operation? Were these followed?
  3. Were personnel operating the equipment trained in its correct operation? What training is involved? Is any certification involved? How often are operators retrained/re-certified?
  4. Provide any other records of operating procedures for support of affirmative defense.
- F. Provide demonstration that the violation was not the result of the failure to maintain the equipment with due care:
  1. Provide the most current maintenance records for the equipment.
  2. Provide the date of installation and any modifications to the equipment.
  3. Provide the manufacturer's suggested equipment life expectancy.
- G. Provide demonstration that reasonable steps were taken to minimize emissions:
  1. Describe in detail what steps were taken.
  2. If no steps were possible, note and explain.
  3. What was the production rate at time of incident? Was production decreased in response to the violation?
  4. If possible, estimate specific quantity of air contaminants released and/or the duration of the release.
- H. Provide demonstration that the violation is not part of a recurrent pattern:
  1. If similar malfunctions have occurred (with the same piece or similar type of equipment) explain in detail how the malfunction differ. Give technical, mechanical reasons, etc.
  2. How many times in the past five years has this equipment or equipment of the same type failed?
  3. What precautions have been taken in order to prevent this occurrence from happening again?

#### Other information:

Any report, notice or record submitted to the Department shall include, as an integral part of the report, notice or record, certifications complying with N.J.A.C. 7:27-1.39: "I certify under penalty of law that I believe the information provided in this document is true, accurate and complete. I am aware that there are significant civil and criminal penalties, including the possibility of fine or imprisonment or both, for submitting false, inaccurate or incomplete information."



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

March 26, 2020

**MEMORANDUM**

**SUBJECT:** COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

**FROM:** Susan Parker Bodine *Susan Parker Bodine*

**TO:** All Governmental and Private Sector Partners

As all of us at the U.S. Environmental Protection Agency adjust to the evolving COVID-19 pandemic, we are first and foremost mindful of the health and safety of the public, as well as our staff, and those of Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations. The agency must take these important considerations into account as we all continue our work to protect human health and the environment. Accordingly, we are announcing the following temporary policy regarding EPA enforcement of environmental legal obligations during this time.

The EPA will exercise the enforcement discretion specified below for noncompliance covered by this temporary policy and resulting from the COVID-19 pandemic, if regulated entities take the steps applicable to their situations, as set forth in this policy. For noncompliance that occurs during the period of time that this temporary policy is in effect, and that results from the COVID-19 pandemic, this policy will apply to such noncompliance in lieu of an otherwise applicable EPA enforcement response policy.

**APPLICABILITY**

This policy will apply retroactively beginning on March 13, 2020. Authorized states or tribes may take a different approach under their own authorities. The EPA will undertake to coordinate with other federal agencies in situations where the EPA shares jurisdiction over a regulated entity's environmental compliance obligations.

The EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if the EPA determines modifications are necessary. In order to provide fair and sufficient notice to the public, the EPA will post a notification here <https://www.epa.gov/enforcement/enforcement-policy-guidance-publications>, at least seven days prior to terminating this temporary policy.

The EPA will apply this policy to actions or omissions that occur while this policy is in effect even after the policy terminates.

**SCOPE**

At the EPA, we are cognizant of potential worker shortages due to the COVID-19 pandemic as well as

the travel and social distancing restrictions imposed by both governments and corporations or recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19. The consequences of the pandemic may affect facility operations and the availability of key staff and contractors and the ability of laboratories to timely analyze samples and provide results. As a result, there may be constraints on the ability of a facility or laboratory to carry out certain activities required by our federal environmental permits, regulations, and statutes. These consequences may affect reporting obligations and milestones set forth in settlements and consent decrees. Finally, these consequences may affect the ability of an operation to meet enforceable limitations on air emissions and water discharges, requirements for the management of hazardous waste, or requirements to ensure and provide safe drinking water. These are very distinct situations that the EPA plans to manage differently, as described below.

The enforcement discretion described in this temporary policy do not apply to any criminal violations or conditions of probation in criminal sentences. Appropriate consideration of potential criminal liability is discussed separately, below.

This policy does not apply to activities that are carried out under Superfund and RCRA Corrective Action enforcement instruments. Such matters will be addressed in a separate communication.

This policy does not apply to imports. We also are especially concerned about pesticide products entering the United States, or produced, manufactured, distributed in the United States, that claim to address COVID-19 impacts. The agency expects to focus on ensuring compliance with requirements applicable to these products to ensure protection of public health. Information relating to FIFRA import requirements can be found here: <https://www.epa.gov/compliance/importing-and-exporting-pesticides-and-devices>. This website will be updated to provide information on how to submit information via email, as may be necessary during the COVID-19 pandemic.

Finally, we realize that the general statements contained in this policy may not address every potential civil violation that may arise as a result of COVID-19. As such, the EPA may provide additional enforcement guidance applicable to specific programs on an ongoing basis and the EPA's self-disclosure program remains available.<sup>1</sup>

## **ENFORCEMENT DISCRETION**

### **I. Civil Violations**

#### **A. General conditions**

All enforcement discretion set forth in this temporary policy is conditioned on the following.

1. Entities should make every effort to comply with their environmental compliance obligations.

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<sup>1</sup> Regulated entities who voluntarily discover, promptly disclose, expeditiously correct, and take steps to prevent recurrence of potential violations may be eligible for a reduction or elimination of any civil penalties that otherwise might apply. Most violations can be disclosed and processed via the EPA's automated online "eDisclosure" system (*see* <https://www.epa.gov/compliance/epas-edisclosure>). To learn more about the EPA's violation disclosure policies, including conditions for eligibility, please review the EPA's Audit Policy website at <https://www.epa.gov/compliance/epas-audit-policy>. Many states also offer incentives for self-policing; please check with the appropriate state agency for more information.

2. If compliance is not reasonably practicable, facilities with environmental compliance obligations should:
  - a. Act responsibly under the circumstances in order to minimize the effects and duration of any noncompliance caused by COVID-19;
  - b. Identify the specific nature and dates of the noncompliance;
  - c. Identify how COVID-19 was the cause of the noncompliance, and the decisions and actions taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity;
  - d. Return to compliance as soon as possible; and
  - e. Document the information, action, or condition specified in a. through d.

## **B. Routine compliance monitoring and reporting by regulated entities**

The consequences of the pandemic may constrain the ability of regulated entities to perform routine compliance monitoring,<sup>2</sup> integrity testing,<sup>3</sup> sampling,<sup>4</sup> laboratory analysis,<sup>5</sup> training,<sup>6</sup> and reporting or certification.<sup>7</sup>

Entities should use existing procedures to report noncompliance with such routine activities, such as pursuant to an applicable permit, regulation or statute. If no such procedure is applicable, or if reporting is not reasonably practicable due to COVID-19, regulated entities should maintain this information internally and make it available to the EPA or an authorized state or tribe upon request. In general, the EPA does not expect to seek penalties for violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations in situations where the EPA agrees that COVID-19 was the cause of the noncompliance and the entity provides supporting documentation to the EPA upon request.

After this policy is no longer in effect, the EPA expects full compliance going forward. In general, absent exigent circumstances, the EPA does not plan to ask facilities to “catch-up” with missed monitoring or reporting if the underlying requirement applies to intervals of less than three months. For other monitoring or reports, such as those required on a bi-annual or annual basis, when this policy is no longer in effect, the EPA expects facilities to take reasonable measures to resume compliance activities as soon as possible, including conducting late monitoring or submitting late reports. In some programs, there are sections or codes in the reporting form in which a facility may indicate why it has not conducted the required sampling and monitoring, and the EPA encourages facilities to include such information when submitting any late reports.

Many training classes are offered on-line and such on-line training generally should not be affected by

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<sup>2</sup> If affected by COVID-19, this category may include, for example, CEMS and stack tests, relative accuracy test audits, LDAR monitoring, fence line monitoring, RICE readings and monitoring, tank and piping inspections, assessments, or stormwater inspections.

<sup>3</sup> If affected by COVID-19, this category may, for example, include tank integrity testing (e.g., API 653) for compliance with certain “good air pollution control practices.”

<sup>4</sup> If affected by COVID-19, this category may include, for example, effluent sampling and testing, as well as cooling tower sampling.

<sup>5</sup> If affected by COVID-19, this category may include, for example, laboratory holding times and turn-around times.

<sup>6</sup> If affected by COVID-19, this category may include, for example, SPCC training, hazardous waste trainings, CAA section 129 renewals, and other annual re-certifications.

<sup>7</sup> If affected by COVID-19, this category may include, for example, reports and certifications associated with delayed activities described above, and late reports under permit or other regulatory obligations, including TRI and greenhouse gas inventory reporting.



travel and social distancing constraints. If practicable, sectors mandated to function with certified operators should maintain normal certification and training practices. If not practicable due to the COVID-19 pandemic, the EPA believes that it is more important to keep experienced, trained operators on the job, even if a training or certification is missed.

If a submission to the EPA requires a “wet” signature of a responsible official, the EPA will accept a digital or other electronic signature. The mere inability to obtain a “wet” signature will not be considered a justification for failure to make a paper submission or certification. We strongly encourage the regulated community use the EPA’s approved electronic reporting mechanisms. For enforcement purposes, the EPA also will accept emailed submissions even if a paper original is required.

### **C. Settlement agreement and consent decree reporting obligations and milestones**

1. With respect to **EPA administrative settlement agreement** reporting obligations and milestones, if, as a result of COVID-19, parties to such settlement agreements anticipate missing enforceable milestones set forth in those documents, parties should utilize the notice procedures set forth in the agreement, including notification of a force majeure, as applicable. For EPA administrative settlement agreements, the EPA intends to treat routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and associated reporting or certification obligations in the manner described above and will generally not seek stipulated or other penalties for noncompliance with such obligations. The notification should provide the information required by the agreement, which typically will include steps taken to minimize the effects and duration of any noncompliance caused by COVID-19, as well as the information specified under subpart A, above. EPA staff will review these notifications and may contact a party to seek adjustments to a proposed plan of action, pursuant to the agreement.
2. With respect to **consent decrees entered into with the EPA and the U.S. Department of Justice**, these documents are agreements and court orders. EPA staff will coordinate with DOJ to exercise enforcement discretion with regard to stipulated penalties for the routine compliance obligations described in paragraph 1 and will also consult with any co-plaintiffs to seek agreement to this approach. Courts retain jurisdiction over consent decrees and may exercise their own authority. Parties should utilize the notice procedures set forth in the consent decree, including notification of a force majeure, as applicable, with respect to any noncompliance alleged to be caused by COVID-19.
3. Parties should proceed as proposed in their notice to the EPA (and to DOJ for consent decrees) unless and until contacted by the agency (if an EPA administrative settlement) or DOJ (if a judicial consent decree).

### **D. Facility operations**

**The EPA expects all regulated entities to continue to manage and operate their facilities in a manner that is safe and that protects the public and the environment.**

1. Facilities should contact the appropriate implementing authority (EPA region, authorized state, or tribe) if **facility operations impacted by the COVID-19 pandemic may create an acute risk or an imminent threat to human health or the environment**. Even in authorized programs, the EPA strongly encourages facilities, states, and tribes to consult with their EPA regional office on acute risks and imminent threats. If an entity contacts the EPA due to noncompliance that could result in an acute risk or an imminent threat to human health or the environment, the EPA will act as follows.

- a. The EPA's first step will be to consult with the state or tribe, if an authorized program, to discuss measures to minimize or prevent the acute or imminent threat to health or the environment from the COVID-19-caused noncompliance. State or tribal permits or regulations may have provisions that address the situation and result in a return to compliance. Consultation with authorized states or tribes will proceed in accordance with the July 11, 2019 memorandum on [\*Enhancing Effective Partnerships Between EPA and States in Civil Enforcement and Compliance Assurance Work\*](#).
  - b. In cases where the EPA implements the program directly:
    - i. The EPA regional office will evaluate whether an applicable permit, statutory, or regulatory provision addresses the situation. The EPA's Office of Enforcement and Compliance Assurance (OECA) will work with program offices on nationwide issues that may arise.
    - ii. If there is no permit/regulatory provision that addresses the situation, the EPA will work with the facility to minimize or prevent the acute or imminent threat to health or the environment from the COVID-19-caused noncompliance and obtain a return to compliance as soon as possible.
    - iii. The EPA will inform the relevant state or tribe of any acute threats and actions taken in response to the noncompliance.
    - iv. The EPA will consider the circumstances, including the COVID-19 pandemic, when determining whether an enforcement response is appropriate.
2. If a facility suffers from **failure of air emission control or wastewater or waste treatment systems or other facility equipment** that may result in exceedances of enforceable limitations on emissions to air or discharges to water, or land disposal, or other unauthorized releases, the facility should notify the implementing authority (EPA regional office or authorized state or tribe) as quickly as possible. The notification also should include information on the pollutants emitted, discharged, discarded, or released; the comparison between the expected emissions or discharges, disposal, or release and any applicable limitation(s); and the expected duration and timing of the exceedance(s) or releases. The EPA will consult with authorized states or tribes, as applicable, in accordance with the July 11, 2019 memorandum on [\*Enhancing Effective Partnerships Between EPA and States in Civil Enforcement and Compliance Assurance Work\*](#) to determine the appropriate response. Where the EPA implements the program directly, the EPA will evaluate whether the risk posed by the exceedance, disposal, or release is acute or may create an imminent threat to human health or the environment and will follow the steps set forth under paragraph 1.b. above.
3. If facility operations result in **noncompliance are not already addressed by the EPA above**, regulated entities should take the steps identified under Part I.A. The EPA will consider the circumstances, including the COVID-19 pandemic, when determining whether enforcement response is appropriate.
4. If a facility is a **generator of hazardous waste** and, due to disruptions caused by the COVID-19 pandemic, is unable to transfer the waste off-site within the time periods required under RCRA to maintain its generator status, the facility should continue to properly label and store such waste and take the steps identified under Part I.A, above. If these steps are met, as an exercise of enforcement discretion, the EPA will treat such entities to be hazardous waste generators, and not treatment, storage and disposal facilities. In addition, as an exercise of enforcement discretion, the EPA will treat Very Small Quantity Generators and Small Quantity Generators as

retaining that status, even if the amount of hazardous waste stored on site exceeds a regulatory volume threshold due to the generator's inability to arrange for shipping of hazardous waste off of the generator's site due to the COVID-19 pandemic.

5. If a facility is an **animal feeding operation**, and, due to disruptions caused by the COVID-19 pandemic, is unable to transfer animals off-site and, solely as a result of the pandemic, meets the regulatory definition of concentrated animal feeding operation (CAFO), as an exercise of enforcement discretion, the EPA will not treat such animal feeding operations as CAFOs (or will not treat small CAFOs as medium CAFOs, or medium CAFOs as large CAFOs). To receive this enforcement discretion an operation must take the steps identified under Part I.A, above.

## **E. Public water systems regulated under the Safe Drinking Water Act**

Public water systems have a heightened responsibility to protect public health because unsafe drinking water can lead to serious illnesses and access to clean water for drinking and handwashing is critical during the COVID-19 pandemic. Accordingly, the EPA has heightened expectations for public water systems. The EPA expects operators of such systems to continue normal operations and maintenance as well as required sampling to ensure the safety of our drinking water supplies. The EPA expects laboratories performing analysis for water systems to continue to provide timely analysis of samples and results. States play the lead role on drinking water issues, but the EPA also has important drinking water enforcement and oversight responsibilities, including direct implementation responsibilities in some locations.

In the event of worker shortages in the water sector, the EPA will consider continued operation of drinking water systems to be the highest priority. In anticipation of worker shortage and laboratory capacity problems, the EPA considers the following tiers of compliance monitoring to assure the safety of our drinking water supplies and prioritize prevention of acute risks. Of highest priority is monitoring required under National Primary Drinking Water Regulations to protect against microbial pathogens. Additional priorities include nitrate/nitrite and Lead and Copper Rule monitoring followed by contaminants for which the system has been non-compliant. States may wish to adopt similar priorities.

The EPA is working closely with our federal partners, states, and other organizations to ensure resources and personnel are available to assist facilities facing staffing and contractor challenges during this period of COVID-19 response and the Office of Water plans to launch a website with this information. Accordingly, the EPA strongly encourages public water systems to consult with the state and EPA regional offices without delay if issues arise that prevent the normal delivery of safe drinking water and encourages states to continue to work closely with the EPA on measures to address the potential impacts of COVID-19. The EPA also encourages certified drinking water laboratories to consult with the state and the EPA if issues arise that prevent laboratories from conducting analyses of drinking water contaminants.

The EPA will consider the circumstances, including the COVID-19 pandemic, when determining whether any enforcement response is appropriate at public water systems acting in accordance with this subpart.

## **F. Critical infrastructure**

In situations where a facility is essential critical infrastructure, the EPA may consider a more tailored short-term No Action Assurance, with conditions to protect the public, if the EPA determines it is in the

public interest. Such determinations are made by the OECA Assistant Administrator on a case-by-case basis. The EPA will consider essential the facilities that employ essential critical infrastructure workers as determined by guidance issued by the Cybersecurity and Infrastructure Security Agency.

## **II. State Oversight**

The EPA will continue State Review Framework reviews, and other state program oversight, as practicable, taking into consideration priority work in response to COVID-19. Until such time as dictated by travel and social distancing restrictions, the EPA believes states should take into account the safety and health of their inspectors and facility personnel and use discretion when making decisions to conduct routine inspections, notwithstanding any applicable compliance monitoring strategy. The EPA will take the COVID-19 pandemic into consideration in any review of a state compliance and enforcement program, such as the State Review Framework.

## **III. EPA Actions**

During the pendency of the current COVID-19 exigency, the EPA expects to focus its resources largely on situations that may create an acute risk or imminent threat to public health or the environment, to ensure protection against such risks or threats. All ongoing enforcement matters are continuing.

## **IV. Accidental Releases**

Nothing in this temporary policy relieves any entity from the responsibility to prevent, respond to, or report accidental releases of oil, hazardous substances, hazardous chemicals, hazardous waste, and other pollutants, as required by federal law, or should be read as a willingness to exercise enforcement discretion in the wake of such a release.

## **V. Criminal Violations**

The considerations described above apply to the vast majority of people and businesses who are making good faith efforts to comply with their obligations in this difficult time. Federal environmental statutes generally authorize criminal penalties for knowing conduct that violates the law. In screening cases to determine when to seek prosecutorial assistance from DOJ, the EPA will distinguish violations that facilities know are unavoidable as a result of COVID-19 restrictions from violations that are the result of an intentional disregard for the law. EPA's Criminal Investigative Division remains vigilant and is prepared to pursue violators who demonstrate a criminal *mens rea*.

This temporary policy makes EPA offices and the EPA's governmental and private sector partners, as well as the general public, aware of how the EPA intends to exercise its enforcement discretion with respect to certain compliance situations during the exigencies of the COVID-19 pandemic. This memorandum does not alter any provision of any statute or regulation that contains legally binding requirements, and it is not itself a regulation.



## **Be Aware of Requirements to Call the DEP Hotline 1-877- WARN DEP (1-877-927-6337)**

### **Who is subject to DEP notification requirements?**

Any regulated facility either with a permit or subject to statutes or rules may be required in certain circumstances to make notification to the DEP using the DEP Hotline at 1-877- WARN DEP (1-877-927-6337). Knowing if or when you might be required to call demands familiarity with the permits your facility holds and the rules that apply to your operations. Review of rules and permits is the best way to ensure you know your obligations.

*The following table does NOT constitute a complete list of possible notification requirements, but is intended to provide relevant examples of notification requirements for common facilities.*

<b>Facility type</b>	<b>Call the DEP Hotline...</b>
ANY TYPE	immediately (within 15 minutes) upon the discharge of any contaminant to the environment (N.J.S.A. 58:10-23.11 Spill Compensation and Control Act)
Drinking water facilities	within 6 hours of an emergency that affects water quality or pressure (NJAC 7:10-2.4(b))
Wastewater facilities	within 2 hours of exceeding an effluent limit, discharging toxics or hazards not in a permit, experiencing an upset or bypass. (NJAC 7:14A-6.10)

### **Why is DEP issuing this reminder?**

As part of the state's coordinated response to address the novel coronavirus (COVID-19) outbreak, Governor Phil Murphy declared a State of Emergency and a Public Health Emergency to ramp up New Jersey's efforts to contain the spread of COVID-19. During this time the DEP will continue to require notifications in accordance with statutes, rules or your permit. Unpredictable situations may arise, and this can lead to disruptions, upsets, failures, shutdowns, exceeding permit limits and other problems that may require you to notify the DEP.

Required notifications are important to inform the DEP, as well as other local, state and national agencies about the safety of, and potential impacts to citizens. Required notifications are expected at all times when triggered by circumstances, whether or not a general emergency exists. Complete information on all situations that rise to a required notification level improves the understanding of the scale of problems and improves coordinated efforts by government, especially in large scale emergency situations.

# COMPLIANCE ADVISORY

## What is DEP doing?

The DEP will continue to employ the information from required notifications and coordinate with other agencies as needed. In order to ensure reliability of this information, the DEP may pursue enforcement action and penalties against any entity that fails to make timely, required notifications.

## What should I do?

If you own, operate or have responsibility for a regulated facility of any type, make time to review your environmental obligations and especially any requirement to call the DEP Hotline. Ensure that all individuals who may have responsibility at different times are aware of the situations that would trigger any notification requirements. Keep the DEP Hotline number readily accessible.

1. Review your regulatory obligations periodically.
2. Identify the situations that would trigger notification.
3. Share with everyone who has responsibility at the facility.
4. Ensure the DEP Hotline is readily available or posted. 1-877- WARN DEP (1-877-927-6337).

## Who should I contact with questions?

If you are unsure of your notification obligations, consider calling one of the DEP Compliance and Enforcement offices listed at the following address:

<https://www.nj.gov/dep/easyaccess/compenf.htm>

## Where can I get more information?

- Visit the following Web site for general information: Contact NJDEP:  
<https://www.nj.gov/cgi-bin/dep/contactdep.pl>
- To comment on this advisory: <https://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.





## Enforcement **Alert**

*Making You Aware of Anticipated Enforcement Activities*

Compliance and Enforcement

Issued: March 26, 2020

#2020-05

### **DEP issues guidance for Public Water Systems and Wastewater Monitoring, Licensed Operator and Certified Laboratory issues due to the COVID-19 Pandemic**

#### **Who is affected by this advisory?**

This advisory affects public drinking water systems and Category A (individual permits for domestic discharge) and ASC (general permit authorizations for school discharge) NJPDES surface water discharge permitted facilities that are required to perform routine monitoring pursuant to the state and federal regulations and their NJPDES permits where applicable. Additionally, it affects NJ State Certified Laboratories and any system in New Jersey that requires a potable water or wastewater Licensed Operator. All four of these regulatory programs are closely linked in the Drinking Water and Wastewater Sector.

#### **Why is DEP addressing these issues?**

As part of the state's coordinated response to address the novel coronavirus (COVID-19) outbreak, as of today Governor Phil Murphy has declared a State of Emergency and a Public Health Emergency under Executive Orders 103, 104, 107, 108, and 109. The New Jersey Department of Environmental Protection (DEP) understands that the unprecedented circumstances of the COVID-19 outbreak, including the need to restrict unnecessary travel and adopt social distancing practices as described in the Executive Orders, has created limitations for many regulated entities, including the Drinking Water and Wastewater Sector, largely due to workforce reductions. As a result of the limitations stemming from the outbreak, and in accordance with the Executive Orders, the Department is responding to the immediate needs of the Drinking Water and Wastewater Sector, and NJ State Certified Laboratories and Licensed Operators, to allow these entities to focus their attention on the highest priorities, while continuing to meet the necessary requirements that help ensure public health and safety.

#### **What is DEP doing?**

The DEP's Division of Water and Land Use Enforcement (DWLUE), Office of Quality Assurance (OQA) – Certified Laboratories, Division of Water Quality (DWQ) and Division of Water Supply and Geoscience (DWS&G) are collaborating with industry representatives from the Water and Wastewater Sector Resiliency and Security Working Group to provide

# COMPLIANCE ADVISORY

recommendations on how to continue the necessary monitoring to ensure public health and safety despite the logistical concerns and challenges anticipated as a result of the measures undertaken in accordance with the Executive Orders. To this end, on March 21, 2020, the DWS&G provided the *Distribution Sampling Guidance During COVID-19-01*. It can be found at <https://www.state.nj.us/dep/watersupply/pdf/distribution-sampling-guidance-covid-19-20200321.pdf>. Additionally, the Division of Water Quality provided the *Reduced Monitoring Frequency for Sanitary Wastewater Dischargers* on March 23, 2020 in response to the COVID-19 pandemic, which can be found at <https://www.nj.gov/dep/dwq/covid19.html>

The Department will continue to exercise enforcement discretion to provide the necessary flexibility to allow the Water and Wastewater Sector to continue to provide essential services relied on by the public in a manner that is protective of public health and in compliance with applicable regulations despite staffing limitations and other needs related to measures intended to reduce the rate of community spread of COVID-19.

The Department will continue to provide additional guidance and its enforcement staff will provide compliance assistance to the regulated community and continue to respond to incidents that pose a threat to public health for the duration of the COVID-19 pandemic.

## What should I do?

1. Refer to updates on the DWS&G and Bureau of Surface Water Discharge websites for COVID-19 guidance.
2. Be aware of notifications from DEP listservs and sign up as appropriate.
  - OQA listserv signup: <https://www.nj.gov/dep/enforcement/oqa/subscribe.html>
  - Many NJDEP Programs can be accessed through: <https://public.govdelivery.com/accounts/NJDEP/subscriber/new>
3. If you are a public water system and are experiencing problems with sampling or analysis due to staff unavailability, reduced laboratory capacity, or the inability to enter homes for distribution system sampling, please contact the Bureau of Safe Drinking Water as instructed below or visit the Bureau's website for addition guidance at <https://www.nj.gov/dep/watersupply>.
4. If you are a NJPDES facility and are experiencing problems with sampling or analysis due to staff unavailability or reduced laboratory capacity, please contact the DWQ as instructed below or visit DWQ's website for additional guidance at [www.nj.gov/dep/dwq](http://www.nj.gov/dep/dwq).
5. If you are a public water system or a NJPDES facility and are experiencing issues with the staffing of appropriately licensed operators, please notify your respective Enforcement field office.
6. If you are a certified laboratory and anticipate temporary closures, please contact OQA as instructed below.



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7. You must continue to notify the Department's Hotline at 1-877- WARN DEP (1-877-927-6337) when your operational situation requires such notification. Please refer to Enforcement Alert: #2020-04, issued on March 20, 2020.

## Where can I get more information?

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

Public Drinking Water System Monitoring  
Division of Water Supply and Geoscience  
[www.nj.gov/dep/watersupply](http://www.nj.gov/dep/watersupply)

NJPDES Category: A (Domestic Surface Water Discharge) & ASC (Consolidated School)  
Division of Water Quality  
[www.nj.gov/dep/dwq](http://www.nj.gov/dep/dwq)

## Who should I contact with questions?

For Drinking Water questions, please contact:  
Division of Water Supply & Geoscience  
Please use Compliance Advisory in the subject line.

[watersupply@dep.nj.gov](mailto:watersupply@dep.nj.gov)

For NJPDES permit questions, please contact:  
Division of Water Quality  
Please use Compliance Advisory in the subject line.

[DWQ@dep.nj.gov](mailto:DWQ@dep.nj.gov)

For Office of Quality Assurance – Certified Laboratories  
questions, please contact:  
Please use Compliance Advisory in the subject line.

[OQA@dep.nj.gov](mailto:OQA@dep.nj.gov)

For compliance, inspection or enforcement  
questions, please contact:  
Division of Water and Land Use Enforcement

(973) 656-4099 (Northern)  
(609) 292-3010 (Central)  
(856) 614-3655 (Southern)

Please note this advisory is intended to be a summary explanation. If you have any questions related to compliance, please contact the Enforcement number listed above.

COVID-19 NJ Department of Environmental Protection

Division of Water Quality

The COVID-19 threat to public health in New Jersey remains low, but in anticipation of additional cases in our State, NJ Officials have been diligent in preparing for and preventing the spread of the virus.

To foster preparedness and in an effort to keep our regulated groups as up to date as possible on information provided by the CDC and the NJ Department of Health, the NJ Department of Environmental Protection (DEP) will be sharing resources and information as available. As this is an evolving situation, guidance and information is being updated frequently. Please visit the links below regularly.

DEP recommends that your preparedness activities include:

- Updating Emergency Response and Continuity of Operations Plans (especially contact information; modifications to normal work policies and practices).
- Reviewing IT infrastructure, cybersecurity, supply chain (needs and demands), and interdependencies.
- Coordinating with county and local offices of emergency management (OEMs) and health departments as appropriate.

## NJDEP NOTIFICATION

Please notify the NJDEP Hotline (1-877-WARN DEP or 1-877-927-6337) for any significant impacts to your infrastructure and/or compromises to the operations of your facility.

At this time, DEP is providing guidance to Category A and ASC surface water dischargers. These permittees should refer to guidance published by the Division of Water Quality on March 23, 2020 entitled "[Sampling Guidance During COVID-19 Pandemic-01 for Category A and ASC dischargers.](#)"

For all other dischargers, there is no relaxation regarding any requirement pursuant to a permit, rule, regulation or statute. All other permittees are expected to maintain monitoring and electronic reporting compliance with permit conditions. Any deviations or inquiries associated with that notation should be forwarded to the appropriate NJDEP Enforcement office for follow up. The Department will continue to evaluate this as the situation evolves.

Any non-compliance with permit limitations, anticipated or unanticipated bypass, or violation as outlined in 7:14A-6.10, must be reported to the NJDEP Hotline within 2 hours of the event or knowledge of the event, or 24 hours depending on the nature of the violation (refer to NJAC 7:14A-6.10).

The Department also urges any wastewater facility experiencing non-compliance or anticipating such non-compliance to contact downstream drinking water purveyors and their local department of health. Facilities should contact the NJDEP if they need assistance determining what downstream facilities should be contacted.

## Sewage Treatment Plants

All sewage treatments plants that are local agencies with indirect users are reminded to review the Department's "Guidance for Pretreatment Programs During Emergency Situations" and implement emergency procedures as appropriate. The guidance is available at <https://www.nj.gov/dep/dwg/pdf/emergency-guidance-for-pretreatment.pdf>. As stated in the guidance, in extreme emergencies as an option of last resort, local agencies have the authority to require indirect users to reduce or cease discharge until such time as normal treatment works operations are restored.

(Issued 03/13/2020) (Updated 03/23/2020)

Additional information for wastewater treatment systems can be found at:

- The Water Professional's Guide, provided by Water Environment Federation:  
<https://www.wef.org/news-hub/wef-news/the-water-professionals-guide-to-the-2019-novel-coronavirus/>.
- "Implementing the Hierarchy of Controls for Wastewater Worker Protection":  
<https://www.wef.org/globalassets/assets-wef/news-hub/coronavirus/wastewater-worker-safety-controls.png>.
- Webinar, "Updates on Novel Coronavirus for Water Professionals", hosted by Water Environment Federation's Disinfection and Public Health Committee: <https://www.wef.org/resources/online-education/webcasts/ArchivedWebcasts/CoronavirusWebcastArchive/>.

Wastewater treatment plants that receive wastewater from Significant Indirect Users (SIU) should also make contact with SIU dischargers to ensure SIU effluent quality is monitored and maintained to prevent any disruptions to the wastewater treatment plants.

### **Sludge Generators**

Sludge generators and management sites should prepare to have adequate storage in case of disruption of sludge management operations. The Interactive Sewage Sludge Management Tool, available at [https://www.nj.gov/dep/dwg/sew\\_sludge\\_mapping.htm](https://www.nj.gov/dep/dwg/sew_sludge_mapping.htm), is a map that provides the user the ability to physically locate New Jersey's sewage sludge management systems and understand their capabilities, acceptance criteria and contact information.

### **Public Water Systems**

For information related to public water systems, please visit DEP's Division of Water Supply and Geoscience COVID-19 webpage at: <https://www.state.nj.us/dep/watersupply/covid.html>

### **Treatability of Coronaviruses**

For more information regarding considerations and recommendations for water and wastewater treatment with respect to coronaviruses, please visit: <https://ideas.stantec.com/white-papers/considerations-for-water-and-wastewater-treatment-related-to-the-recent-outbreak-covid-19>

### **Other Resources**

Updated guidance general on COVID-19 can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

The American Water Works Association at: <https://www.awwa.org/AWWA-Articles/coronavirus-and-water>

The CDC at: <https://www.cdc.gov/coronavirus/2019-ncov/php/water.html>

The Water Environment Federation at: <https://www.wef.org/news-hub/current-priorities/coronavirus/>

The World Health Organization at: [https://www.who.int/water\\_sanitation\\_health/en/](https://www.who.int/water_sanitation_health/en/)

ASDWA at: <https://www.asdwa.org/covid19/>

(Issued 03/13/2020) (**Updated 03/23/2020**)

**Updates:**

March 23, 2020: Includes sampling relaxation for Category A and ASC surface water dischargers. Notice is specific to wastewater.

To: All NJPDES Sanitary/Domestic Wastewater Dischargers to Surface Water (Category A and ASC)

From: Division of Water Quality

Re: **Reduced Monitoring Frequency for Sanitary Wastewater Dischargers**

Date: March 23, 2020

The New Jersey Department of Environmental Protection (DEP) understands that the unprecedented circumstances of the COVID-19 outbreak, including the need to restrict unnecessary travel and adopt social distancing practices as described in [Executive Order 107](#), has created limitations for many regulated entities, including water and wastewater systems. DEP has been and will continue working to ensure that we are responsive to these circumstances by providing the needed regulatory flexibility while protecting public health and safety. DEP is currently evaluating wastewater requirements and establishing guidelines that will allow wastewater facilities to focus their attention on the highest priorities, while continuing to conduct the necessary monitoring that helps ensure public health and safety.

At this time, the DEP is giving you preliminary guidance to ensure wastewater systems' continued compliance with regulatory requirements while reducing strain on resources. DEP will continue to provide you with guidance as the situation evolves. We recommend that you frequently check the DEP's Division of Water Quality's website available at <https://www.state.nj.us/dep/dwq> for further updates. In an effort to continue to work together during this unprecedented time, the DEP strongly encourages you to contact us via email at [DWQ@dep.nj.gov](mailto:DWQ@dep.nj.gov) with questions, concerns and difficulties you may encounter regarding your regulatory requirements.

### **Reduction in Monitoring Frequency for Sanitary/Domestic Treatment Works Discharging to Surface Water**

Pursuant to N.J.A.C. 7:14A-17.6(i), effective immediately, the Department has determined to stay monitoring frequency conditions contained in NJPDES Category A and ASC Discharge to Surface Water permits conditioned upon the permittee complying with the frequencies and conditions noted below. Permittees are authorized to reduce the monitoring frequency from that required in their NJPDES Category A and ASC Discharge to Surface Water Permits to those interim frequencies indicated by underline in Charts 14-3 and 14-4 below and in accordance with the following:

1. Permittees that reduce monitoring frequencies in accordance with this guidance DO NOT need to report that reduced monitoring frequency as non-compliance pursuant to N.J.A.C. 7:14A-6.10, however they DO need to report the accurate monitoring frequency in the monitoring frequency box on the Monitoring Report Form's (MRF);
2. Permittees that reduce monitoring frequencies for a parameter(s) such that monitoring for that parameter(s) was not conducted for a particular Monitoring Report Form's (MRF) specified monitoring period shall report CODE = N for that parameter(s) on that MRF;
3. This guidance DOES NOT supersede any required monitoring frequency specified in an executed Administrative Consent Order (ACO). Contact the assigned enforcement inspector regarding any changes to monitoring frequencies specified in an ACO;
4. If a permittee's monitoring frequency specified in its current NJPDES DSW Permit is already reduced to the 'reduced frequency' noted in the charts below, no further reduction is authorized at this time;

5. If a permittee's monitoring frequency specified in its current NJPDES DSW Permit for a particular parameter is more stringent than the official regulatory required frequency noted in parentheses in the charts below, the permittee may begin to monitor according to the associated 'reduced frequency' noted in the charts below.

Interim Monitoring Frequencies under Table 14-4, N.J.A.C. 7:14A-14.2(a)

CONVENTIONAL AND NONCONVENTIONAL PARAMETERS MONITORING FREQUENCY REQUIREMENTS  
APPLICABLE TO DOMESTIC TREATMENT WORKS

**CURRENT VERSUS REVISED MONITORING FREQUENCIES (SHOWN IN UNDERLINE) APPLICABLE DURING THE COVID-19 PANDEMIC FOR CATEGORY A AND ASC PERMITTEES**

Parameter (1)	Effluent Flow (MGD)							
	<0.05	0.05-0.1	>0.1-0.5	>0.5-1.0	>1.0-5.0	>5.0-10	>10-15	>15.00
BOD, CBOD, NBOD, FSOD, TOC, COD, TSS, TDS, Phosphorus, Nitrogen (all forms), Alkalinity, Hardness, Color, and any other parameter that can be composite sampled	1/month  <u>No change</u>	(2/month) 4/hr comp  <u>1/month</u>	(2/month) 6hr/comp  <u>1/month</u>	(3/month) 6 hr comp  <u>1/month</u>	(1/week) 24 hr comp  <u>2/month</u>	(2/week) 24 hr comp  <u>1/week</u>	(3/week) 24 hr comp  <u>1/week</u>	(1/day) 24 hr comp  <u>2/week</u>
Dissolved Oxygen	1/month  <u>No change</u>	(2/month)  <u>1/month</u>	(2/month)  <u>1/month</u>	(3/month)  <u>1/month</u>	1/week  <u>2/month</u>	(2/week)  <u>1/week</u>	(3/week)  <u>1/week</u>	(1/day)  <u>2/week</u>
pH, CPO, Settleable solids, Temperature	(1/day)  <u>2/week</u>	(1/day)  <u>2/week</u>	(1/day)  <u>2/week</u>	(1/day)  <u>2/week</u>	(2/day)  <u>1/day</u>	(3/day)  <u>1/day</u>	(3/day)  <u>1/day</u>	(6/day)  <u>1/day</u>
Bacterial Indicator (2) (limit imposed or no limit imposed)	1/month  <u>No change</u>	(1/month)  <u>No change</u>	(2/month or 1/month)  <u>1/month</u>	(2/month or 1/month)  <u>1/month</u>	(4/month)  <u>2/month</u>	(8/month)  <u>1/week</u>	(8/month)  <u>1/week</u>	(1/day or 1/month)  <u>2/week</u>
Oil and Grease (3) (petroleum or no petroleum based component)	(1/month or 1/quarter)  <u>1/quarter</u>	(1/month or 1/quarter)  <u>1/quarter</u>	(2/month or 1/quarter)  <u>1/quarter</u>	(2/month or 1/quarter)  <u>1/quarter</u>	(1/week or 1/month)  <u>1/month</u>	(2/week or 1/month)  <u>1/month</u>	(2/week or 2/month)  <u>1/month</u>	(2/week or 2/month)  <u>1/month</u>

(1) - All samples are GRAB unless otherwise noted. Comp = Composite sample.

(2) - These reduced frequencies indicated above apply whether effluent limitations for bacterial indicators (e.Coli, enterococci, and/or fecal coliform) limits have been imposed in the Domestic Treatment Works' NJPDES Discharge to Surface Water Permits.

(3) - These reduced frequencies indicated above apply whether or not the Oil & Grease in the influent to the Domestic Treatment Works contains petroleum or non-petroleum based components.

Interim Monitoring Frequencies under Table 14-3 N.J.A.C. 7:14A-14.2(a)

TOXIC METALS AND ORGANIC COMPOUNDS AND WHOLE EFFLUENT TOXICITY MONITORING FREQUENCY REQUIREMENTS APPLICABLE TO DOMESTIC TREATMENT WORKS

**CURRENT VERSUS REVISED MONITORING FREQUENCIES (SHOWN IN UNDERLINE) APPLICABLE DURING THE COVID-19 PANDEMIC**

Parameter	All Major Facilities	All Minor Facilities
Toxic Metals(1) and Cyanide	<p>(1/Month ((G) for cyanide) (24 hr (C) for Toxic Metals))</p> <p><u>All monitoring for these parameters is suspended until July 1<sup>st</sup></u></p> <p><u>Monthly monitoring for these parameters that has not been completed for March, monitoring is suspended until July 1<sup>st</sup></u></p>	<p>(1/Month (3))</p> <p><u>All monitoring for these parameters is suspended until July 1<sup>st</sup></u></p> <p><u>Monthly monitoring for these parameters that has not been completed for March, monitoring is suspended until July 1<sup>st</sup></u></p>
Toxic Organic Compounds (2)	<p>(1/Month ((G) for volatile organic compounds) (24 hr (C) for all other compounds)</p> <p><u>All monitoring for these parameters is suspended until July 1<sup>st</sup></u></p> <p><u>Monthly monitoring for these parameters that has not been completed for March, monitoring is suspended until July 1<sup>st</sup></u></p>	<p>(1/Quarter (G) for volatile organic compounds) (3))</p> <p><u>All monitoring for these parameters is suspended until July 1<sup>st</sup></u></p> <p><u>Monthly monitoring for these parameters that has not been completed for March, monitoring is suspended until July 1<sup>st</sup></u></p>
Whole Effluent Toxicity (4)	<p>1/Quarter</p> <p><u>Suspended until July 1</u></p>	<p>1/Quarter</p> <p><u>Suspended until July 1</u></p>

**Footnotes:** C = Composite sample. G = Grab sample.

(1) A full listing of all toxic metals can be found in N.J.A.C. 7:14A-4, Appendix A, Table III.

(2) A full listing of all organic toxic compounds can be found in N.J.A.C. 7:14A-4, Appendix A, Table II.

(3) For cyanide sampling, grab samples shall be taken. The required sample type (based on flow in MGD) for toxic metals and all toxic organic compounds, except volatile organic compounds, for minor facilities is:

- i. Grab sample for a flow less than 0.05 MGD;
- ii. Four-hour composite sample for a flow of 0.05 up to and including 0.1 MGD;
- ii. Six-hour composite sample for a flow greater than 0.1 up to and including 1.0 MGD.

(4) Increased Whole Effluent Toxicity testing required pursuant to the Toxicity Reduction Investigation Requirements in Part IV of the NJPDES permits is also suspended until July 1.