Water Pollution Control Act Amendments Proposed

NJDEP has proposed amending its regulations governing penalty assessments and the settlement of penalties assessed for violations of the Water Pollution Control Act and regulations promulgated thereunder, such that delegated local agencies would be subject to the same penalty assessment requirements and settlement restrictions as NJDEP. Pursuant to the Water Pollution Control Act, certain agencies that operate municipal treatment works for the treatment of wastewater are authorized to enforce the Water Pollution Control Act including assessing penalties for violations and settling penalties assessed for violations of the Act. However, the regulations currently do not require delegated local agencies to follow the same requirements as NJDEP in assessing penalties for violations of the Water Pollution Control Act.

The proposed amendments require delegated local agencies to follow the same regulations as NJDEP in assessing penalties for violations of the Water Pollution Control Act, including assessing mandatory minimum penalties for certain violations, and in settling penalty assessments. Adoption of this proposal would be a mixed blessing for the regulated community because those who are subject to regulation will have more certainty in their interactions with delegated local agencies, but may also be subject to mandatory minimum penalties for violations of the Water Pollution Control Act that otherwise may not have been levied.

Practice:

Environmental Law