



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
CENTRAL BUREAU OF WATER COMPLIANCE & ENFORCEMENT

PHIL MURPHY  
Governor

SHEILA OLIVER  
Lt. Governor

401 East State Street  
P.O. Box 420, Mail Code 44-03  
Trenton, New Jersey 08625-0420  
Tel. (609) 292-3010 • Fax. (609) 292-6450

SHAWN M. LaTOURETTE  
Commissioner

CERTIFIED MAIL/RRR  
7014 3490 0000 00277 4529

July 2, 2021

Keith Sturn, Project Manager  
NJ Natural Gas  
1415 Wyckoff Rd  
P.O. Box 1464  
Wall, NJ 07719

RE: NJNG Southern Reliability Link (Monmouth)  
NOCAPA  
EA ID #: PEA200002 - 815079  
NJPDES NO. NJG0299120 - DST  
Upper Freehold Twp, Monmouth County

Dear Mr. Sturn:

Enclosed for service upon you is a Notice of Civil Administrative Penalty Assessment (NOCAPA) issued by the Department. Contained within the enclosed document is a notice and instructions for requesting an Administrative Hearing. **Failure to request a hearing within 20 days as per the instructions therein will result in loss of your right to a hearing.**

If multiple respondents are named, each respondent interested in contesting the NOCAPA must individually file an Administrative Hearing Request Checklist and Tracking Form. The Administrative Hearing Request Checklist and Tracking Form is enclosed with this letter.

If you have any questions concerning the enclosed NOCAPA you may contact Daniel Lockward of my staff at 609-203-5062 or by letter at the above address.

Sincerely,

A. Raimund Belonzi, Chief  
Central Bureau of Water  
Compliance and Enforcement

Enclosure



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
COMPLIANCE & ENFORCEMENT
WATER & LAND USE ENFORCEMENT
401 East State Street
P.O. Box 420, Mail Code 401-048
Trenton, New Jersey 08625-0420
Tel. (609) 984-2011 • Fax. (609) 984-9658

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SHAWN M. LaTOURETTE
Commissioner

CERTIFIED MAIL/RRR

IN THE MATTER OF
NJ Natural Gas
1415 Wyckoff Rd
P.O. Box 1464
Wall, NJ 07719

: NOTICE OF CIVIL ADMINISTRATIVE
: PENALTY ASSESSMENT
:
:
:
:
:

EA ID # PEA200002 - 815079

This Notice of Civil Administrative Penalty Assessment (hereinafter "NOCAPA") is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter "NJDEP" or the "Department") by N.J.S.A. 13:1D-1 et seq., the New Jersey Water Pollution Control Act (hereinafter the "Act"), N.J.S.A. 58:10A-1 et seq., the Water Pollution Control Act regulations N.J.A.C. 7:14-1 et seq., and the New Jersey Pollutant Discharge Elimination System regulations, N.J.A.C. 7:14A-1 et seq. and duly delegated to the Assistant Commissioner of Compliance and Enforcement and her assignees pursuant to N.J.S.A.13:1B-4.

FINDINGS

- 1. NJ Natural Gas AKA New Jersey Natural Gas (hereinafter "NJNG") is the responsible entity for the construction of the Southern Reliability Link natural gas pipeline ("hereinafter "SRL") through Burlington, Monmouth and Ocean Counties. NJNG's corporate mailing address is 1415 Wyckoff Rd., P.O. Box 1464, Wall, NJ 07719.
2. The Department issued two New Jersey Pollutant Discharge Elimination System ("NJPDES") Construction General Stormwater Permits (ID No. 732162, Permit No. NJG0256994; and ID No. 815079, Permit No. NJG0299120) (hereinafter "Permits") to NJNG on 07/12/2016 and 08/26/2019 respectively. The effective dates of the Permits are 07/12/2016 and 08/26/2019, respectively. The Permits authorize NJNG to discharge stormwater, which may contain pollutants, into waters of the State. Pursuant to the Permits, "Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewerage or drainage facilities, or conveyed by snow removal equipment.

3. NJNG utilized horizontal directional drilling (hereinafter "HDD") for a portion of the SRL pipeline installation.
4. An inadvertent return is an unintended, unpermitted discharge of drilling mixture to waters of the State, which is not solely stormwater, through natural underground cracks or fissures during HDD.
5. On January 29, 2019, an inadvertent return of approximately 444 gallons of drilling mixture occurred during HDD-17 at Block 23601, Lot 1 in Jackson Township on Joint Base McGuire-Dix-Lakehurst.
6. On February 4, 2019, an inadvertent return of approximately 80 gallons of drilling mixture occurred during HDD-17 at Block 23601, Lot 1 in Jackson Township on Joint Base McGuire-Dix-Lakehurst.
7. On February 19, 2019, an inadvertent return of approximately 190 gallons of drilling mixture occurred during HDD-17 at Block 23601, Lot 1 in Jackson Township on Joint Base McGuire-Dix-Lakehurst.
8. Between April 9, 2020, and April 15, 2020, inadvertent returns totaling approximately 100 gallons of drilling mixture occurred periodically during HDD-08 into the Deep Run tributary. The unpermitted discharges were located on Block 53, Lot 13.09 in Upper Freehold Township and Block 403, Lot 1 in North Hanover Township.
9. On June 16, 2020, an inadvertent return of a drilling mixture occurred during HDD-07 into the Deep Run tributary. The unpermitted discharge was located on Block 53, Lots 13.04, 13.05, & 13.08 in Upper Freehold Township.
10. On June 19, 2020, an inadvertent return of a drilling mixture occurred during HDD-07 damaging the foundation of a house at 39 Hutchinson Road in Upper Freehold Township. Drilling mixture passed through the drainage system in the basement of the house and discharged into the Deep Run tributary. The unpermitted discharge was located on Block 53, Lots 14.01 & 13.04 in Upper Freehold Township.
11. On June 19, 2020, the Burlington County Engineering Department issued a stop work order to NJNG halting any additional HDD pipeline installation until the HDD events were investigated and resolved.
12. On June 25, 2020, an unpermitted discharge of turbid water occurred from the June 16 inadvertent return location to the Deep Run tributary as drill rods were being removed from HDD-07.
13. On March 17, 2021, an inadvertent return of approximately 100 gallons of drilling mixture occurred during HDD-01 at Block 204, Lot 4 in Chesterfield Township.

14. On March 20, 2021, an inadvertent return of approximately 50 gallons of drilling mixture occurred during HDD-01 at Block 203, Lot 44.04 in Chesterfield Township.
15. No person shall discharge any pollutant except in conformity with a valid NJPDES Permit issued pursuant to the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.
16. As the result of compliance evaluations conducted on 06/18/2020 and 03/24/2021, the Department determined that NJNG failed to comply with applicable requirements as follows:

Requirement: Pursuant to N.J.A.C. 7:14A-2.1(d), it shall be unlawful for any person to discharge any pollutant except in conformity with a valid NJPDES permit issued by the Department.

Description of Noncompliance: Failure to discharge solely stormwater as authorized by the permit. One inadvertent return of a drilling mixture occurred on 01/29/2019 as per NJDEP hotline #19-01-29-2007-31 and a follow up report provided to NJDEP.

Description of Noncompliance: Failure to discharge solely stormwater as authorized by the permit. One inadvertent return of a drilling mixture occurred on 02/04/2019 as per NJDEP hotline #19-02-04-1748-08 and a follow up report provided to NJDEP.

Description of Noncompliance: Failure to discharge solely stormwater as authorized by the permit. One inadvertent return of a drilling mixture occurred on 02/19/2019 as per NJDEP hotline #19-01-29-2007-31 and a follow up report provided to NJDEP.

Description of Noncompliance: Discharging pollutants to the surface waters of the State without a valid NJPDES permit issued by the Department. Multiple inadvertent returns of a drilling mixture occurred between 04/09/2020 and 04/15/2020 as per NJDEP hotline #20-04-15-1550-20 and a follow up report provided to NJDEP.

Description of Noncompliance: Discharging pollutants to the surface waters of the State without a valid NJPDES permit issued by the Department. Two inadvertent returns of a drilling mixture occurred on 06/16/2020 as per NJDEP hotline #20-06-17-1120-59 and a follow up report provided to NJDEP.

Description of Noncompliance: Discharging pollutants to the surface waters of the State without a valid NJPDES permit issued by the Department. One inadvertent return of a drilling mixture occurred on 06/19/2020 as per NJDEP hotline #20-06-20-1000-32 and a follow up report provided to NJDEP.

Description of Noncompliance: Discharging pollutants to the surface waters of the State without a valid NJPDES permit issued by the Department. One unpermitted discharge of turbid water occurred on 06/25/2020.

Description of Noncompliance: Failure to discharge solely stormwater as authorized by the permit. One inadvertent return of a drilling mixture occurred on 03/17/2021 as per NJDEP hotline #21-03-17-1452-15 and a follow up report provided to NJDEP.

Description of Noncompliance: Failure to discharge solely stormwater as authorized by the permit. One inadvertent return of a drilling mixture occurred on 03/20/2021 as per NJDEP hotline #21-03-20-1548-57 and a follow up report provided to NJDEP.

17. On June 25, 2020, the Department issued a Notice of Violation ("NOV") to NJNG for a portion of the violations above. NJNG responded to the NOV on 08/06/2020.
18. On March 29, 2021, Department issued an NOV to NJNG for the 2021 violations. NJNG responded to the NOV on 04/20/2021.
19. Based on the facts set forth in these FINDINGS, the Department has determined that NJNG has violated the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated pursuant thereto, specifically N.J.A.C. 7:14A- 2.1(d).

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT  
AND  
NOTICE OF RIGHT TO A HEARING

20. Pursuant to N.J.S.A. 58:10A-10.d and N.J.A.C. 7:14-8.1 et seq., and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against NJNG in the amount of **\$105,000.00**. The Department's rationale for the civil administrative penalty is set forth in the attachment, and incorporated herein.
21. Pursuant to N.J.S.A. 58:10A-10.d and N.J.A.C. 7:14-8.13, the Department may amend the civil administrative penalty amount for any economic benefit which a violator has realized as a result of not complying with, or by delaying compliance with, the requirements of this Act.
22. Pursuant to N.J.S.A. 58:10A-10.d(2) and N.J.A.C. 7:14-8.4 et seq., NJNG is entitled to request a hearing. NJNG shall, in its request for a hearing, complete and submit the herein ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM along with all required information.
23. If no request for a hearing is received within twenty (20) calendar days from receipt of this NOCAPA, it shall become a Final Order upon the twenty-first (21) calendar day following its receipt, and the penalty shall be due and payable.
24. If a timely request for a hearing is received, payment of the penalty is due when NJNG receives a notice of the denial of the request, or, if the hearing request is granted, when NJNG withdraws the request or abandons the hearing, or, if the hearing is conducted, when NJNG receives a final decision from the Commissioner in this matter.

25. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury  
Division of Revenue  
P.O. Box 417  
Trenton, NJ 08646-0417

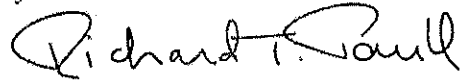
GENERAL PROVISIONS

26. This NOCAPA is binding on NJNG their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity. No obligations imposed by this NOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.
27. This NOCAPA is issued only for the violations identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this NOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
28. Neither the issuance of this NOCAPA nor anything contained herein shall relieve NJNG of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
29. Pursuant to N.J.S.A. 58:10A-10.d, NJDEP is authorized to assess a civil administrative penalty of not more than \$50,000 for each violation, and each day during which the violation continues shall constitute an additional, separate and distinct offense.
30. Pursuant to N.J.S.A. 58:10A-10.e, any person who violates the provisions of N.J.S.A. 58:10A-1 et seq., or any code, rule, or regulation promulgated pursuant thereto shall be liable to a penalty of not more than \$50,000 per day to be collected in a civil action, and any person who violates an administrative order issued pursuant to N.J.S.A. 58:10A-10.b, or a court order issued pursuant to N.J.S.A. 58:10A-10.c, or who fails to pay a civil administrative penalty assessed pursuant to N.J.S.A. 58:10A-10.d in full after it is due is subject upon order of a court to a civil penalty not to exceed \$50,000 per day of such violations. Each day during which the violation continues constitutes an additional, separate and distinct offense.

NJ Natural Gas  
PEA200002 - 815079  
Page 6 of 13

31. Pursuant to N.J.S.A. 58:10A-10.f, any person who purposely, knowingly, or recklessly violates this act, and the violation causes a significant adverse environmental effect, shall, upon conviction, be guilty of a crime of the second degree, and shall, notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, be subject to a fine of not less than \$25,000 nor more than \$250,000 per day of violation, or by imprisonment, or by both.

DATE: July 2, 2021



---

Richard T. Paull, Director  
Compliance & Enforcement  
Water & Land Use Enforcement

**Administrative Hearing Request Checklist  
and Tracking Form**

I. Document Being Appealed: **EA ID # PEA200002 - 815079**

\_\_\_\_\_ **Date Document Issued**

II. Person Requesting Hearing (Each Respondent named in the Enforcement Document, who wants to Contest the Enforcement Document must individually file a hearing request):

\_\_\_\_\_  
Name/Company

\_\_\_\_\_  
Name of Attorney (if applicable)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone #

\_\_\_\_\_  
Telephone #

III. Please Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document.
- B. A **copy of the Enforcement Document** and a list of all issues being appealed.
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

- 1. New Jersey Department of Environmental Protection  
Office of Legal Affairs  
Attention: Adjudicatory Hearing Requests  
401 E. State Street, P.O. Box 402  
Trenton, New Jersey 08625
- 2. A. Raimund Belonzi, Chief  
Water Compliance & Enforcement  
Central Regional Office  
PO Box 420  
Trenton, NJ 08625-0420
- 3. All co-permittees (w/attachments)

IV. Signature: \_\_\_\_\_ Date: \_\_\_\_\_



NJ Natural Gas  
PEA200002 - 815079  
Page 8 of 13

*Penalty Rationale*  
*NJ Natural Gas*  
*PI# 815079*

NJNG has violated the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the regulations promulgated pursuant thereto, N.J.A.C. 7:14-1 et seq., as cited in the findings of this NOCAPA.

Pursuant to N.J.A.C. 7:14-8.5(a), the Department may assess a civil administrative penalty of not more than \$50,000 for each violation of each provision of the Water Pollution Control Act and for violations of any rule, water quality standards, effluent limitation, administrative order or permit issued pursuant thereto.

Pursuant to N.J.A.C. 7:14-8.5(e), the Department shall utilize the matrix in N.J.A.C. 7:14-8.5(f) by determining the seriousness of violation pursuant to N.J.A.C. 7:14-8.5(g) and the conduct of the violator to N.J.A.C. 7:14-8.5(h) at the midpoint of the range.

**2019 INCIDENTS**

For each violation, the penalty calculation shall be as follows:

|         |          | <b>SERIOUSNESS</b>           |                              |                              |
|---------|----------|------------------------------|------------------------------|------------------------------|
|         |          | MAJOR                        | MODERATE                     | MINOR                        |
| CONDUCT | MAJOR    | \$40,000.00 -<br>\$50,000.00 | \$30,000.00 -<br>\$40,000.00 | \$15,000.00 -<br>\$25,000.00 |
|         | MODERATE | \$30,000.00 -<br>\$40,000.00 | \$10,000.00 -<br>\$20,000.00 | \$3,000.00 -<br>\$7,000.00   |
|         | MINOR    | \$15,000.00 -<br>\$25,000.00 | \$3,000.00 -<br>\$7,000.00   | \$1,000.00 -<br>\$2,500.00   |

1. Type of violation: Failure to discharge solely stormwater as authorized by the permit.

2019 Inadvertent Return Events

| Date    | Amount (approx.) | Activity              |
|---------|------------------|-----------------------|
| 1/29/19 | 444 gallons      | Unpermitted discharge |
| 2/4/19  | 80 gallons       | Unpermitted discharge |
| 2/19/19 | 190 gallons      | Unpermitted discharge |

NJ Natural Gas  
 PEA200002 - 815079  
 Page 9 of 13

2. Conduct of Respondent(s): conduct shall be classified as major, moderate, or minor as follows:

Major: Any intentional, deliberate, purposeful, knowing or willful act or omission by the violator

Moderate: Any unintentional but foreseeable act or omission by the violator

Minor: Minor shall include any other conduct not included above

The Respondent was issued permits to conduct regulated activities associated with construction of the SRL gas pipeline. Incumbent in the permits and receipt thereof is a knowledge of the requirements and the obligation to comply with all conditions, requirements, and limitations therein. As such, these violations were unintentional but foreseeable. Therefore, the conduct of the Respondent is considered to be **Moderate**.

3. Seriousness of violation: seriousness shall be classified as major, moderate, or minor as follows:

Major: Any violation which has caused or has the potential to cause serious harm to human health or the environment or seriously deviates from a requirement of the Water Pollution Control Act or any violation of any rule, water quality standard, effluent limitation, administrative order or permit now or hereafter issued pursuant thereto; serious deviation shall include, but not be limited to, those violations which are in complete contravention of the requirement, or if some of the requirement is met, which severely impair or undermine the operation or intent of the requirement.

Moderate: Any violation which has caused or has the potential to cause substantial harm to human health or the environment or substantially deviates from the requirements of the Water Pollution Control Act or any violation of any rule, water quality standard, effluent limitation, administrative order or permit now or hereafter issued pursuant thereto; substantial deviation shall include, but not be limited to, those violations which are in substantial contravention of the requirements or which substantially impair or undermine the operation or intent of the requirement.

Minor: Any violation not included in major and moderate above.

The seriousness is considered to be **Minor**. Specifically, these violations involved unpermitted discharges of low volume which did not impact surface waters.

Penalty amount: Minor seriousness/moderate conduct: \$5,000.00 (x3) = \$15,000.00

**2019 Total = \$15,000.00**

### 2020 INCIDENTS

For each violation, the penalty calculation shall be as follows:

|         |          | SERIOUSNESS                  |                              |                              |
|---------|----------|------------------------------|------------------------------|------------------------------|
|         |          | MAJOR                        | MODERATE                     | MINOR                        |
| CONDUCT | MAJOR    | \$40,000.00 -<br>\$50,000.00 | \$30,000.00 -<br>\$40,000.00 | \$15,000.00 -<br>\$25,000.00 |
|         | MODERATE | \$30,000.00 -<br>\$40,000.00 | \$10,000.00 -<br>\$20,000.00 | \$3,000.00 -<br>\$7,000.00   |
|         | MINOR    | \$15,000.00 -<br>\$25,000.00 | \$3,000.00 -<br>\$7,000.00   | \$1,000.00 -<br>\$2,500.00   |

1. Type of violation: Discharging pollutants to the surface waters of the State without a valid NJPDES permit issued by the Department.

#### 2020 Inadvertent Return Events/Unpermitted Discharge

| Date           | Amount (approx.) | Activity                               |
|----------------|------------------|--|
| 4/9/20-4/15/20 | 100 gallons      | Unpermitted Discharge to Surface Water |
| 6/16/20        | --               | Unpermitted Discharge to Surface Water |
| 6/19/20        | --               | Unpermitted Discharge to Surface Water |
| 6/25/20        | --               | Unpermitted Discharge to Surface Water |

2. Conduct of Respondent(s): conduct shall be classified as major, moderate, or minor as follows:

Major: Any intentional, deliberate, purposeful, knowing or willful act or omission by the violator

Moderate: Any unintentional but foreseeable act or omission by the violator

Minor: Minor shall include any other conduct not included above

NJ Natural Gas  
 PEA200002 - 815079  
 Page 11 of 13

The Respondent was issued permits to conduct regulated activities associated with construction of the SRL gas pipeline. Incumbent in the permits and receipt thereof is a knowledge of the requirements and the obligation to comply with all conditions, requirements, and limitations therein. As such, these violations were unintentional but foreseeable. Therefore, the conduct of the Respondent is considered to be **Moderate**.

3. Seriousness of violation: seriousness shall be classified as major, moderate, or minor as follows:

**Major:** Any violation which has caused or has the potential to cause serious harm to human health or the environment or seriously deviates from a requirement of the Water Pollution Control Act or any violation of any rule, water quality standard, effluent limitation, administrative order or permit now or hereafter issued pursuant thereto; serious deviation shall include, but not be limited to, those violations which are in complete contravention of the requirement, or if some of the requirement is met, which severely impair or undermine the operation or intent of the requirement.

**Moderate:** Any violation which has caused or has the potential to cause substantial harm to human health or the environment or substantially deviates from the requirements of the Water Pollution Control Act or any violation of any rule, water quality standard, effluent limitation, administrative order or permit now or hereafter issued pursuant thereto; substantial deviation shall include, but not be limited to, those violations which are in substantial contravention of the requirements or which substantially impair or undermine the operation or intent of the requirement.

**Minor:** Any violation not included in major and moderate above.

The seriousness is considered to be **Moderate** for the 4/9/20-4/15/20, 6/16/20, and 6/25/20 unpermitted discharges since these violations substantially deviate from the requirements of the Water Pollution Control Act or any violation of any rule, water quality standard, effluent limitation, administrative order or permit now or hereafter issued pursuant thereto; substantial deviation shall include, but not be limited to, those violations which are in substantial contravention of the requirements or which substantially impair or undermine the operation or intent of the requirement. Specifically, these violations involved unpermitted discharges to the surface waters of the State which had the potential or resulted in the degradation of water quality.

The seriousness is considered to be **Major** for the 6/19/20 unpermitted discharge since this violation had caused or had the potential to cause serious harm to human health or the environment, or seriously deviate from the requirements of the Water Pollution Control Act or violate any rule, water quality standard, effluent limitation, administrative order or permit issued pursuant thereto; serious deviation shall include, but not be limited to, those violations which are in complete contravention of the requirement, or if some of the requirement is met, which severely impair or undermine the operation or intent of the requirement. Specifically, this violation involved an unpermitted discharge

NJ Natural Gas  
PEA200002 - 815079  
Page 12 of 13

to the surface waters of the State which had the potential to or resulted in the degradation of water quality and compromised the foundation of an occupied residence which was subsequently condemned.

Penalty amount:

Moderate seriousness/moderate conduct: \$15,000.00 (x3) = \$45,000.00  
Major seriousness/moderate conduct: \$35,000.00 (x1) = \$35,000.00

**2020 Total: \$80,000.00**

### 2021 INCIDENTS

For each violation, the penalty calculation shall be as follows:

|         |          | SERIOUSNESS                  |                              |                              |
|---------|----------|------------------------------|------------------------------|------------------------------|
|         |          | MAJOR                        | MODERATE                     | MINOR                        |
| CONDUCT | MAJOR    | \$40,000.00 -<br>\$50,000.00 | \$30,000.00 -<br>\$40,000.00 | \$15,000.00 -<br>\$25,000.00 |
|         | MODERATE | \$30,000.00 -<br>\$40,000.00 | \$10,000.00 -<br>\$20,000.00 | \$3,000.00 -<br>\$7,000.00   |
|         | MINOR    | \$15,000.00 -<br>\$25,000.00 | \$3,000.00 -<br>\$7,000.00   | \$1,000.00 -<br>\$2,500.00   |

1. Type of violation: Failure to discharge solely stormwater as authorized by the permit.

#### 2021 Inadvertent Return Events

| Date    | Amount      | Activity              |
|---------|-------------|-----------------------|
| 3/17/21 | 100 gallons | Unpermitted Discharge |
| 3/20/21 | 50 gallons  | Unpermitted Discharge |

2. Conduct of Respondent(s): conduct shall be classified as major, moderate, or minor as follows:

Major: Any intentional, deliberate, purposeful, knowing or willful act or omission by the violator

Moderate: Any unintentional but foreseeable act or omission by the violator

NJ Natural Gas  
 PEA200002 - 815079  
 Page 13 of 13

Minor: Minor shall include any other conduct not included above

The Respondent was issued permits to conduct regulated activities associated with construction of the SRL gas pipeline. Incumbent in the permits and receipt thereof is a knowledge of the requirements and the obligation to comply with all conditions, requirements, and limitations therein. As such, these violations were unintentional but foreseeable. Therefore, the conduct of the Respondent is considered to be **Moderate**.

3. Seriousness of violation: seriousness shall be classified as major, moderate, or minor as follows:

Major: Any violation which has caused or has the potential to cause serious harm to human health or the environment or seriously deviates from a requirement of the Water Pollution Control Act or any violation of any rule, water quality standard, effluent limitation, administrative order or permit now or hereafter issued pursuant thereto; serious deviation shall include, but not be limited to, those violations which are in complete contravention of the requirement, or if some of the requirement is met, which severely impair or undermine the operation or intent of the requirement.

Moderate: Any violation which has caused or has the potential to cause substantial harm to human health or the environment or substantially deviates from the requirements of the Water Pollution Control Act or any violation of any rule, water quality standard, effluent limitation, administrative order or permit now or hereafter issued pursuant thereto; substantial deviation shall include, but not be limited to, those violations which are in substantial contravention of the requirements or which substantially impair or undermine the operation or intent of the requirement.

Minor: Any violation not included in major and moderate above.

The seriousness is considered to be **Minor**. Specifically, these violations involved unpermitted discharges of low volume which did not impact surface waters.

Penalty amount: Minor seriousness/moderate conduct: \$5,000.00 (x2) = \$10,000.00

**2021 Total = \$10,000.00**

#### **TOTAL CIVIL ADMINISTRATIVE PENALTY FOR 2019, 2020 AND 2021 VIOLATIONS**

The total civil administrative penalty for this NOCAPA shall be:

(2019) \$15,000 + (2020) \$80,000 + (2021) \$10,000 = **\$105,000.00**

New Jersey Department of Environmental Protection

Invoice NO.  
210917690

Enforcement - Clean Water Fund (C&E)

|   |                        |                 |                      |
|---|------------------------|-----------------|----------------------|
| <b>Program Interest</b><br>NJNG SOUTHERN RELIABILITY LINK (MONMOUTH)<br>Route 537 / Provinceline Rd<br>Upper Freehold Twp, NJ 08501<br>815079 | <b>Type of Notice</b>  |                 | <b>Amount Due</b>    |
|   | Original (Non-Initial) |                 | \$105,000.00         |
|   | <b>Billing Date</b>    | <b>Due Date</b> | <b>NJEMS Bill ID</b> |
|   | 7/1/2021               | 7/31/2021       | 00000225504300       |

| SUMMARY  |                     |
|--|---------------------|
| Total Amount Assessed  | \$105,000.00        |
| Amount Received Before Installment Plan (If installment plan is allowed) | \$0.00              |
| Amount Transferred to Installment Plan                                   | \$0.00              |
| Installment Amount   | \$0.00              |
| Total Amount Credited  | \$0.00              |
| Total Amount Debited (Other Than Amounts Assessed)                       | \$0.00              |
| <b>Total Amount Due</b>  | <b>\$105,000.00</b> |

Cut Here

New Jersey Department of Environmental Protection

Invoice NO.  
210917690

Enforcement - Clean Water Fund (C&E)

|                      |
|----------------------|
| <b>NJEMS Bill ID</b> |
| 00000225504300       |

|                            |                        |                     |                 |                   |
|----------------------------|------------------------|---------------------|-----------------|-------------------|
| <b>Program Interest ID</b> | <b>Type of Notice</b>  | <b>Billing Date</b> | <b>Due Date</b> | <b>Amount Due</b> |
| 815079                     | Original (Non-Initial) | 7/1/2021            | 7/31/2021       | \$105,000.00      |

For name and/or address change, check box and write corrections on the back of this invoice

**RETURN THIS PORTION**

Enter the amount of your payment -->

|    |
|----|
| \$ |
|----|

With your check made payable to:

**TREASURER - STATE OF NEW JERSEY**

and mail to:

NJ NATURAL GAS  
 ATTN:  
 PO BOX 1464 - 1415 WYCKOFF RD  
 Wall, NJ 07719

NJ DEPARTMENT OF TREASURY  
 DIVISION OF REVENUE  
 PO BOX 417  
 TRENTON, NJ 08646-0417