



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JUN - 6 2018

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

**Article Number: 7016 0910 0000 4441 3772**

Raymond Kimble, Mayor  
Township of Belleville  
Belleville Water Department  
152 Washington Ave.  
Belleville, NJ 07109

RE: In the Matter of: Belleville Water Department  
PWS ID: NJ0701001, Docket No. SDWA-02-2018-8050

Dear Mayor Kimble:

Enclosed you will find an Administrative Order ("AO"). Among other things, the AO finds that Belleville Water Department is a public water system as defined by the Safe Drinking Water Act ("SDWA") and 40 C.F.R. §141.2, and is therefore, subject to its requirements. The United States Environmental Protection Agency ("EPA") also finds that Belleville Water Department failed to comply with the SDWA and the New Jersey Department of Environmental Protection ("NJDEP") regulation N.J.A.C. 7:10. The enclosed AO requires Belleville Water Department to comply with these requirements.

I would like to extend an invitation to have your staff meet with EPA to review the AO, and provide assistance if you have any questions, need technical assistance or would like help understanding how to respond to EPA regarding this matter.

I urge your cooperation in assuring that the requirements of the enclosed AO are met. The violation of an AO may subject the violator to an administratively assessed civil penalty not to exceed \$38,954, or a court-imposed penalty not to exceed \$55,907 per day of violation.

If you have any questions regarding this matter or want to coordinate a meeting, please contact Nicole Foley Kraft, Chief, Groundwater Compliance Section at (212) 637-3093 or [kraft.nicole@epa.gov](mailto:kraft.nicole@epa.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Dore LaPosta", is written over the word "Sincerely,".

Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

Enclosure

cc: Rich Paull, NJDEP  
Patricia Gardner, NJDEP  
Donald Hirsch, NJDEP  
Mauro Tucci, Belleville Town Manager  
Thomas Herits, Belleville Water Department

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**IN THE MATTER OF:**

Belleville Water Department  
152 Washington Ave.  
Belleville, NJ 07109

PWS ID: NJ0701001

Respondent

Proceedings pursuant to Section 1414(g)  
of the Safe Drinking Water Act, 42 U.S.C.  
Section 300g-3(g)

**ADMINISTRATIVE ORDER**  
**Docket No.**  
**SDWA-02-2018-8050**

**I. STATUTORY AUTHORITY**

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 1414(g) of the Safe Drinking Water Act (“SDWA” or “the Act”), 42 U.S.C. Section 300g-3(g), and duly delegated to the Director of the Division of Enforcement and Compliance Assistance of Region 2.

**II. FINDINGS**

1. The Township of Belleville (hereinafter “Respondent”) owns and/or operates the Belleville Water Department “public water system”, within the meaning of Section 1401(14) of the SDWA, 42 U.S.C. §300f(4), and 40 C.F.R. §141.2, located in Belleville, New Jersey.
2. Respondent is a “supplier of water” within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. §300f(5) and 40 C.F.R. §141.2.
3. Respondent is a “person” within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. §300f(12), and is subject to an Administrative Order (“AO”) issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. §300g-3(1).
4. Respondent’s public water system (“PWS”) provides water for human consumption. Respondent’s PWS regularly serves at least 15 service connections used by year-round residents and/or serves a population of at least 25 individuals, and is therefore a “community water system” (“CWS”), as defined by Section 1401(15) of the SDWA, 42

U.S.C. §300f(15). Respondent is therefore, subject to the requirements of Part B of the SDWA, 42 U.S.C. §300g *et seq.*, and its implementing regulations found at 40 C.F.R. Part 141.

5. Respondent's PWS purchases treated surface water from Newark Water Department (PWS ID: NJ0714001) through 4 interconnections located at Passaic Avenue, Hilton Street, Joralemon Street and Belleville Avenue. Respondent serves approximately 35,129 people, as per the New Jersey Department of Environmental Protection ("NJDEP" or "State") Drinking Water Watch database.
6. NJDEP administers the Public Water Supply Supervision Program in New Jersey pursuant to Section 1413 of the SDWA. The approval of primary enforcement responsibility from EPA to NJDEP was effective as of July 13, 1979. NJDEP is the primacy agency, as that term is defined in 40 C.F.R. §142.2. However, NJDEP referred the Belleville Water Department PWS to EPA for further investigation and appropriate action as part of the Fiscal Year (FY) 2018 EPA-NJDEP Inspection Workplan.
7. Pursuant to Section 1414(i)(4) of the SDWA, 42 U.S.C. §300g-3(i)(4), the implementing regulations for New Jersey's Safe Drinking Water Program (N.J.A.C. 7:10) are applicable requirements of the SDWA.

#### Record Maintenance

8. 40 C.F.R. Part 141, Subpart D establishes the reporting and record maintenance requirements for PWSs.
9. Pursuant to 40 C.F.R. §141.33, any owner or operator of a public water system subject to the provisions of 40 C.F.R. Part 141 shall retain such records on its premises or at a convenient location near its premises. Recordkeeping requirements include, but are not limited to laboratory reports, monitoring plans, corrective action plans and public notices.

#### Lead and Copper Rule ("LCR")

10. 40 C.F.R. Part 141, Subpart I establishes the monitoring and reporting, corrosion control treatment, source water treatment, public education and recordkeeping requirements for the control of lead and copper in drinking water.
11. Pursuant to 40 C.F.R. §141.86(a), by the applicable date for commencement of monitoring, each water system shall complete a materials evaluation of its distribution system to identify a pool of targeted sampling sites that meet the site selection criteria and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in 40 C.F.R. §141.86(c). All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites.



12. Pursuant to 40 C.F.R. §141.86(a)(3) - (5), sample site selection criteria or “tier levels” (tier 1, tier 2, tier 3) are defined based on plumbing material used for the construction of the distribution system, service lines and interior plumbing of the buildings served.
13. Pursuant to 40 C.F.R. §141.91, any system subject to the requirements of the Lead and Copper Rule shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluation, schedules, State determinations, and any other information required by 40 C.F.R. §§141.81 through 141.88. Each water system shall retain the records required by this section for no fewer than 12 years.

#### Revised Total Coliform Rule (“RTCR”)

14. 40 C.F.R. Part 141, Subpart Y establishes the monitoring, reporting, maximum contaminant level and treatment technique requirements for the Revised Total Coliform Rule.
15. Pursuant to 40 C.F.R. §141.622(a), systems must develop a written sample siting plan that identifies sampling sites and a sample collection schedule that are representative of water throughout the distribution system not later than March 31, 2016. These plans are subject to State review and revision. Systems must collect total coliform samples according to the written sample siting plan. Monitoring required by 40 C.F.R. §§141.854 through 141.858 may take place at a customer’s premise, dedicated sampling station or other designated compliance sampling location. Routine and repeat sample sites and any sampling points necessary to meet the requirements of the RTCR must be reflected in the sampling plan.
16. Pursuant to 40 C.F.R. §141.858(a)(1), if a sample taken under 40 C.F.R. §§141.854 through 141.857 is total coliform-positive, the system must collect a set of repeat samples within 24 hours of being notified of the positive result. The system must collect no fewer than three repeat samples for each total coliform-positive sample found.
17. Pursuant to 40 C.F.R. §141.858(a)(3), the system must collect an additional set of repeat samples if one or more repeat samples in the current set of repeat samples is total coliform-positive. The system must continue to collect additional sets of repeat samples until either total coliforms are not detected in one complete set of repeat samples or the system determines that a coliform treatment technique trigger specified in 40 C.F.R. §141.859(a) has been exceeded as a result of a repeat sample being total coliform-positive and notifies the State. If a trigger identified in 40 C.F.R. §141.859 is exceeded as a result of a routine sample being total coliform-positive, systems are required to conduct only one round of repeat monitoring for each total-coliform positive routine sample.
18. Pursuant to 40 C.F.R. §141.859(b)(1), systems must conduct assessments if they trigger the conditions established in 40 C.F.R. §141.859(a). Systems must ensure that Level 1 and 2 assessments are conducted in order to identify the possible presence of sanitary defects and defects in distribution system coliform monitoring practices.

19. Pursuant to 40 C.F.R. §141.859(b)(2), when conducting assessments, systems must ensure that the assessor evaluates minimum elements that include review and identification of inadequacies in sample sites; sampling protocol, sample processing; atypical events that could affect distributed water quality or indicate that distributed water quality was impaired; changes in distribution system maintenance and operation that could affect distributed water quality (including water storage); source and treatment considerations that bear on distributed water quality, where appropriate (e.g., small ground water systems); and existing water quality monitoring data.
20. Pursuant to 40 C.F.R. §§141.859(b)(3)(i) and 141.859(b)(4)(1), the assessment report must describe sanitary defects detected, corrective actions completed, and a proposed timetable for any corrective action not already completed.

#### Consumer Confidence Report (“CCR”)

21. 40 C.F.R. Part 141, Subpart O establishes the content, health information language, delivery and recordkeeping requirements for Consumer Confidence Reports. Pursuant to 40 C.F.R. §141.151(a), CCRs must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.
22. Pursuant to 40 C.F.R. §141.153(d), CCRs must contain information on detected contaminants, including regulated and unregulated contaminants. Data must be displayed in one table or several adjacent tables and be derived from data collected to comply with EPA and State monitoring and analytical requirements. 40 C.F.R. §§141.153 and 141.154 detail the requirements for report content.
23. Pursuant to 40 C.F.R. §141.153(h)(7), any system required to comply with a Level 1 assessment or a Level 2 assessment requirement that is not due to an *E. coli* MCL violation must include in the report language in 40 C.F.R. §141.153(h)(7)(i)(A) and the language in 40 C.F.R. §141.153(h)(7)(i)(B) or (C) as appropriate, filling in the blanks accordingly.
24. Pursuant to 40 C.F.R. §141.153(c)(4), a Consumer Confidence Report that contains information regarding a Level 1 or Level 2 assessment must include definitions for Level 1 Assessment and/or Level 2 Assessment, as applicable.

#### Public Notification Rule

25. 40 C.F.R. Part 141, Subpart Q establishes the public notification requirements for public water systems.

26. Pursuant to 40 C.F.R. §141.201(a) and (b), each operator or owner of a PWS must give notice for all violations of national primary drinking water regulations (“NPDWRs”), including violations to the maximum contaminant level (“MCL”), treatment technique, monitoring requirements and testing procedures. Public notice requirements are divided into three tiers to take into account the seriousness of the violation or situation and any potential adverse health effect that may be involved. 40 C.F.R. §141.205 details the requirements for content of the public notice.

#### NJDEP Regulation N.J.A.C. 7:10

27. Pursuant to N.J.A.C. 7:10A-1.12(a)(1), each licensed operator shall have readily available written detailed operations and maintenance (“O & M”) procedures, that shall include, but is not limited to: standard operating procedures, plan for monitoring systems process controls, emergency operations plan, schedule of routine inspections and preventative maintenance, and sampling or water quality monitoring plans.
28. Pursuant to N.J.A.C. 7:10A-1.12(a)(2)(11), each licensed operator shall respond in a timely manner to customer complaints.
29. Pursuant to N.J.A.C. 7:10A-1.12(a)(3)(ii)(2), each licensed operator shall keep in log books or computer databases, files or equivalent: a report of all breaks, breakdowns, problems, bypasses, pump failures, occurrences, emergencies, complaints and/or intervening factors within the system that result in or necessitate deviation from the routine O & M procedures, and any situations that have the potential to affect public health, safety, welfare, or the environment, or have the potential to violate any permits, regulations, or laws relating to N.J.A.C. 7:10.
30. Pursuant to N.J.A.C. 7:10A-1.12(a)(5), systems records, current permits, written O & M procedures, log books, computer databases, files or other equivalent records, pertinent documents and correspondence shall be made available upon request by the Department or other controlling agency, and shall be kept in a safe and secure area for a period of five years.

#### Findings of Violations

31. On March 9, 2018, EPA issued an Information Request Letter (“IRL”) to Respondent, Docket Number SDWA-PWS-IR-18-005, pursuant to Section 1445 of the SDWA, to request information in order to assess compliance with the LCR. In a letter dated April 2, 2018, Respondent submitted a response to the IRL.

32. By email dated April 4, 2018, EPA notified Respondent of the upcoming file review and inspection, scheduled for April 17-19, 2018, requested some information to be provided prior to the on-site visit and detailed the documentation needed to be available on-site for the file review.
33. On April 17, 2018, EPA and NJDEP conducted an inspection at Respondent's PWS. By letter dated May 29, 2018, EPA issued Respondent an inspection report which included potential areas of noncompliance, significant deficiencies and areas of concern.
34. At the time of inspection, Respondent did not have, among other things, records for analytical monitoring data, monitoring plans, O & M procedures, or copies of monthly operational reports available for EPA and NJDEP review on the PWS's premises, or in a convenient location in close proximity to the PWS premises. Due to the lack of records on site, a file review of compliance data was not conducted. Respondent is therefore in violation of 40 C.F.R. §141.33 and N.J.A.C. 7:10A-1.12(a)(5).
35. On April 9, 16 and 23, 2018, Respondent submitted via email copies of the records for the period of review outlined in EPA's April 4, 2018, notification email. The following information was not provided:
  - a. Stage 2 Disinfectants and Disinfection Byproducts Monitoring Plan
  - b. Total coliform and chlorine residual data for January 8, 2015 and July 25, 2017
  - c. Copies of customer chains of custody for the 2017 lead and copper monitoring event
  - d. Copies of records documenting that lead and copper samples collected during the 2017 monitoring event were properly and timely preserved.
  - e. O & M procedures.
  - f. Records of customer complaints.
36. Based on EPA's review of information provided by Respondent:
  - a. The LCR sampling pool does not include a tier designation, construction dates or construction materials for each of the 59 sampling sites included. Respondent did not provide information to demonstrate that a materials evaluation of the distribution system was completed and/or utilized in order to identify a pool of lead and copper targeted sampling sites, in violation of 40 C.F.R. §141.86(a).
  - b. The Revised Total Coliform Rule sample siting plan does not meet the required elements established in 40 C.F.R. §141.859. For example, the sample siting plan does not include a monitoring schedule nor does it identify the repeat sampling sites. Respondent is therefore in violation of 40 C.F.R. §141.859(a)(1).



- c. Respondent failed to collect the minimum required number of repeat samples for total coliforms, for at least the months of September 2016 and July 2017. Respondent is therefore in violation of 40 C.F.R. §§141.858(a)(1) and (3).
- d. Total coliform monitoring results triggered a Level 1 Assessment in September 2016 and Level 2 Assessments in July 2017 and January 2018. The assessments conducted by Respondent did not take in consideration water quality monitoring data at the interconnections (total chlorine residual and total coliforms) to determine its contribution to the presence of total coliforms or low chlorine residuals within the distribution system. Respondent is therefore in violation of 40 C.F.R. §141.859(b)(2).
- e. The 2014-2016 CCRs failed to include all required information, such as:
  - i. definitions for Level 1 and 2 Assessments (40 C.F.R. §141.153(c)),
  - ii. information on detected contaminants (40 C.F.R. §141.153(d)),
  - iii. compliance with National Primary Drinking Water Regulations (40 C.F.R. §141.153 (f)),
  - iv. recordkeeping of compliance data (40 C.F.R. §141.153(f)(5)),
  - v. language on Level 1 and 2 Assessments conducted (40 C.F.R. §141.153(h)(7)), and
  - vi. informational statement on lead (40 C.F.R. §141.154(d)).

Respondent is therefore in violation of 40 C.F.R. Part 141 Subpart O.

- f. Respondent failed to have readily available detailed O & M procedures, including but not limited to standard operating procedures, emergency response plans and schedule of routine inspections and preventative maintenance. Respondent is therefore, in violation of N.J.A.C. 7:10A-1.12.

37. EPA is issuing this Administrative Order to establish an enforceable schedule for Respondent to comply with the requirements of the SDWA and applicable NJDEP regulations.

### **III. ORDER**

Based on the foregoing FINDINGS, and pursuant to the authority of Section 1414(g) of the SDWA, EPA hereby ORDERS:

- 38. As of the effective date of this AO, Respondent must ensure that all Level 1 and/or 2 Assessments triggered pursuant to 40 C.F.R. §141.859 evaluate source and treatment considerations that bear on distributed water quality by, at a minimum, monitoring chlorine residual and total coliform/E.coli at the interconnections. Respondent must include the

results of the monitoring and the analysis in the Level 1 or 2 Assessment report submitted pursuant to 40 C.F.R. §141.859(b)(4)(i).

39. Within fifteen (15) days of the receipt of this AO, Respondent must submit the information listed below. If the information is not available, Respondent must submit the dates when the information will be provided to EPA and NJDEP.
  - a. Copy of Stage 2 Disinfectants and Disinfection Byproducts monitoring plan;
  - b. Total coliform and chlorine residual disinfection data for January 8, 2015 and July 25, 2017;
  - c. Copies of customer chains of custody for the 2017 lead and copper monitoring event;
  - d. Copies of records documenting that lead and copper samples collected during the 2017 monitoring event were properly and timely preserved; and
  - e. Copies of customer complaint records;
40. Within forty-five (45) days of receipt of this AO, pursuant to 40 C.F.R. §141.33, Respondent must provide an action plan for the transfer or relocation of PWSs documents to a location within the premises of the PWS or in a convenient location near the PWS premises. The plan must include dates when the transfer of records will be completed, the location, records to be transferred and the format and availability of the records (hard copies, electronic or both). Respondent must provide information on how the records will be managed and must include an organizational charts detailing roles and responsibilities.
41. Within forty-five (45) days of receipt of this AO, Respondent must update its Revised Total Coliform Rule sample siting plan to include all requirements of 40 C.F.R. §141.853 and submit a copy for review and approval.<sup>1</sup>
42. Within forty-five (45) days of receipt of this AO, Respondent must provide a draft of the Consumer Confidence Report that will be mailed to customers by July 1, 2018. The report must meet the requirements of 40 C.F.R. §§141.153 and 141.154.<sup>2</sup>
43. Within forty-five (45) days of receipt of this AO, Respondent must submit a plan to notify the public of the violations identified in paragraphs 34 and 36a-e in accordance with 40 C.F.R. §141.205.<sup>3</sup>

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<sup>1</sup> For general information on the RTRC, visit <https://www.epa.gov/dwreginfo/total-coliform-rule-compliance-help-public-water-systems>. For information on how to develop a siting plan, refer to the NJDEP "Guidance for Developing a Coliform Sample Siting Plan" at <http://www.nj.gov/dep/watersupply/pdf/rtrc-siting-plan-guidance-201601.pdf>

<sup>2</sup> For information and assistance with developing a CCR, visit <https://www.epa.gov/ccr/how-water-systems-comply-ccr-requirements>

<sup>3</sup> For information on public notice requirements, visit <https://www.epa.gov/dwreginfo/public-notification-rule-compliance-help-water-system-owners-and-operators> and <http://www.nj.gov/dep/watersupply/dws-sampreg.html>

44. By July 31, 2018, Respondent must coordinate a meeting with NJDEP and EPA, to summarize compliance progress and findings.
45. Within ninety (90) days of receipt of this AO, Respondent must submit a copy of their O & M procedures prepared pursuant to the requirements of N.J.A.C. 7:10A-1.12, including an emergency response plan, standard operating procedures, and schedule of routine inspections and preventative maintenance.
46. Within ninety (90) days of receipt of this AO, Respondent must submit to EPA and NJDEP for approval, a list of targeted sampling sites that meet the requirements of 40 C.F.R. §141.86. The list of targeted sites must be sufficiently large to ensure that Respondent can collect the number of lead and copper samples required in 40 C.F.R. §141.86(c). Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants. Information must be submitted utilizing the following NJDEP forms: "Lead and Copper Sampling Plan Template" and "Lead and Copper Sampling Pool Certification", available at <http://www.nj.gov/dep/watersupply/dwc-lead-public.html>.<sup>4</sup>
47. All information required by this Order must be submitted to EPA and NJDEP (electronic or hard copy format):

Nicole Foley Kraft, Chief  
Groundwater Compliance Section  
U.S. Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
(212) 637-3093  
[kraft.nicole@epa.gov](mailto:kraft.nicole@epa.gov)

and

Donald Hirsch, Acting Chief  
Bureau of Water Compliance and Enforcement - Northern  
New Jersey Department of Environmental Protection  
7 Ridgedale Avenue  
Cedar Knolls, NJ 07927  
[don.hirsch@dep.nj.gov](mailto:don.hirsch@dep.nj.gov)

and

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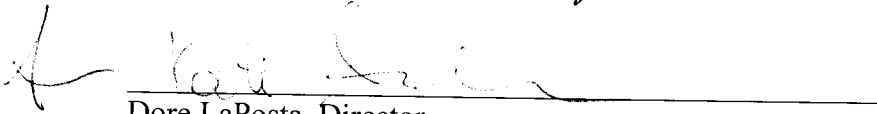
<sup>4</sup> For information on the LCR, materials evaluation and identification of samples sites for the LCR, visit <https://www.epa.gov/dwreginfo/lead-and-copper-rule-compliance-help-public-water-systems> and NJDEP Sample Location Identification Factsheet at <http://www.nj.gov/dep/watersupply/pdf/lead-me-site-selection-fs.pdf>

Patricia L. Gardner, Director  
Division of Water Supply and Geoscience  
New Jersey Department of Environmental Protection  
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Trenton, NJ 08625  
[patricia.gardner@dep.nj.gov](mailto:patricia.gardner@dep.nj.gov)

#### IV. GENERAL PROVISIONS

48. Notwithstanding Respondent's compliance with any requirement of this Order, Respondent's failure to comply with all of the requirements of the Act and Part 141 may subject Respondent to additional enforcement action, including but not limited to judicial, administrative and equitable actions.
49. This Administrative Order shall not prohibit, prevent, or otherwise preclude EPA from taking whatever action it deems appropriate to enforce the Act in any manner and shall not prohibit, prevent, or otherwise preclude EPA from using this Order in subsequent administrative or judicial proceedings. Nothing in this Order shall constitute a waiver, suspension or modification of the requirements of the Act, or the rules and regulations promulgated thereunder which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Law.
50. The Respondent may be subject to an administrative civil penalty of up to \$38,954 pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300g-3(g)(3)(B) or a civil penalty assessed by an appropriate United States District Court that exceeds \$38,954 pursuant to Section 1414(g)(3)(C) of the Act, 42 U.S.C. §300g-3(g)(3)(C). A violation of any term of this Order may also subject the Respondent to a judicial civil penalty of up to \$55,907 per day of violation pursuant to Section 1414(b) of the Act, 42 U.S.C. §300g-3(b).
51. Respondent may seek federal judicial review of the Order pursuant to Section 1448(a) of the Act, 42 U.S.C. §300j-7(a).
52. This Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable federal, State or local law.
53. This Administrative Order shall take effect upon the signature of the Director, Division of Enforcement and Compliance Assistance.

ORDERED, this 6<sup>th</sup> day of June, 2018

  
Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance