



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

NOV 15 2018

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7017 2680 0000 0008 5727**

Michael Melham, 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-02-2019-8002

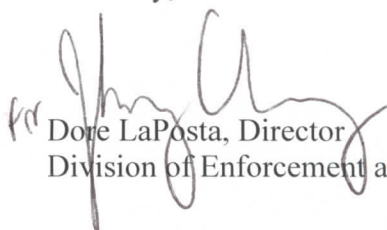
Dear Mayor Melham:

Enclosed you will find an Administrative Order ("AO"). Among other things, the AO finds that the Township of Belleville is the owner/operator of the Belleville Water Department, 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 enclosed AO is being issued to address additional violations identified based on the US Environmental Protection Agency's (EPA) review of records submitted by the Township after our April 17, 2018, on-site visit and violations of the haloacetic acids maximum contaminant level which Belleville Water Department incurred during 2018. This AO requires the Township of Belleville to comply with these requirements. I urge your cooperation in assuring that the requirements of the enclosed AO are met.

As you should also be aware, the Township is in violation of the AO issued by EPA on June 6, 2018, Docket Number SDWA-02-2018-8050. 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. EPA would like to offer an opportunity to discuss options to resolve the matter through an expedited settlement offer. If you are interested in discussing settlement of the matter, please contact Nicole Foley Kraft at (212) 637-3093 or [kraft.nicole@epa.gov](mailto:kraft.nicole@epa.gov) within fifteen (15) days of receipt of this letter.

I would like to extend an invitation to have our staff meet to review the AO, answer any questions on how to respond to the AO and provide the technical assistance you may need. If you have any questions regarding this matter, please contact Ms. Foley Kraft at the number or email listed above.

Sincerely,

  
for 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-02-2019-8002**

**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(4) 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 is a consecutive system which 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.

#### Lead and Copper Rule (“LCR”)

8. 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.
9. 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.
10. 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.
11. Pursuant to 40 C.F.R. §141.86(a)(4) - (5), any community water system with insufficient tier 1 sampling sites shall complete its sampling pool with tier 2 sampling sites and any community water system with insufficient tier 1 and tier 2 sampling sites shall complete its sampling pool with tier 3 sampling sites.

12. Based on information available in the NJDEP Drinking Water Watch, Respondent's PWS has exceeded the action level for lead during the following monitoring periods: July - December 2003 (0.0216 mg/L), July - December 2004 (0.0156 mg/L), January - June 2005 (0.0222 mg/L), July - December 2005 (0.0241 mg/L), January - December 2007 (0.0166 mg/L), January - December 2009 (0.0229 mg/L) and July - December 2011 (0.0203 mg/L).

#### Consumer Confidence Report ("CCR") Rule

13. 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.
14. 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.
15. 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.
16. Pursuant to 40 C.F.R. §141.153(c)(4), a CCR 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.

#### Stage 2 Disinfectants/Disinfection Byproducts Rule ("Stage 2")

17. 40 C.F.R. Part 141, Subpart V, establishes monitoring and other requirements for achieving compliance with maximum contaminant levels ("MCL"), based on locational running annual averages ("LRAA") for total trihalomethanes ("TTHM") and five haloacetic acids ("HAA5").
18. Pursuant to 40 C.F.R. §141.64(b), the MCL for TTHM is 0.080 mg/L and for HAA5 is 0.060 mg/L.
19. Pursuant to 40 C.F.R. §141.620(d), a public water system is in violation of the MCL when the LRAA, calculated based on the average of monitoring data collected during the most recent four quarters, exceed the MCL for TTHM and/or HAA5.

20. Pursuant to 40 C.F.R. §141.626(b), a public water system exceeds the operational evaluation level when the sum of the two previous quarters' TTHM results plus twice the current quarter's TTHM result, divided by 4 exceeds 0.080 mg/L; or when the sum of the two-previous quarter's HAA5 results plus twice the current quarter's HAA5 result, divided by 4, exceeds 0.060 mg/L. Public water systems exceeding the operational evaluation level(s) must conduct an operational evaluation and submit a written report of the evaluation to the State no later than 90 days after being notified of the analytical result that causes the exceedance of the operational evaluation level.
21. Pursuant to 40 C.F.R. §141.626(b)(2), the operational evaluation must include an examination of system treatment and distribution operational practices, including distribution system practices, flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedances.

#### Public Notification Rule

22. 40 C.F.R. Part 141, Subpart Q establishes the public notification requirements for public water systems.
23. 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 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 effects that may be involved. 40 C.F.R. §141.205 details the requirements for content of the public notice.
24. Pursuant to 40 C.F.R. §141.201(c), each public water system must provide public notice to persons served by the water system. Consecutive systems are responsible for providing public notices to their consumers when a violation occurs at the wholesaler system.

#### Significant Deficiencies

25. Pursuant to 40 C.F.R. §141.723(b), a significant deficiency includes a defect in design, operation and maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that EPA determines to be causing, or has the potential for causing the introduction of contamination into the water delivered to consumers.
26. Pursuant to 40 C.F.R. §141.723(c), systems must respond in writing to significant deficiencies identified in sanitary survey reports no later than 45 days after receipt of the report, indicating how and on what schedule the system will address significant deficiencies.



### Findings of Violations

27. 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.
28. On April 17, 2018, EPA and NJDEP conducted an inspection at Respondent's PWS. 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.
29. On May 29, 2018, EPA issued an inspection report, summarizing significant deficiencies, areas of concern and/or potential areas of noncompliance. The report identified the flooding of the Joralemon Street and Belleville Avenue interconnections, creating the potential for cross contamination as a significant deficiency.
30. On June 6, 2018, EPA issued an AO, Docket Number SDWA-02-2018-8050, to address violations of the SDWA and NJDEP applicable regulations. Among other things, the AO required Respondent to submit 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 and required the submission of compliance documents.
31. In response to the AO, Respondent submitted documentation dated June 18, 2018, July 12, 2018 and September 10, 2018.
32. Based on information available to EPA and a review of documentation submitted, Respondent:
  - a. Failed to submit a LCR sampling pool 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), in violation of 40 C.F.R. §141.86(a).
  - b. Conducted an incomplete materials evaluation which failed to identify a pool of targeted sampling sites that meets the criteria of 40 C.F.R. §141.86. Specifically, based on information provided to EPA, Respondent's system has additional tier 1 locations that can be included in the sampling pool, in lieu of the tier 2 and tier 3 sites provided.
  - c. Failed to follow LCR tiering criteria established in 40 C.F.R. §141.86(a)(3). Specifically, Respondent supplemented tier 1 sampling sites with tier 2 and tier 3 sites when it had available tier 1 sites in the sampling pool.
  - d. Failed to incorporate required elements in the 2017 CCR, as established in 40 C.F.R. §141.153, including but not limited to: Level Assessment definitions and mandatory

language, information on detected contaminants, total coliform data, lead and copper data and system's contact information.

- e. Failed to submit a schedule for the correction of a significant deficiency. Specifically, Respondent failed to provide a schedule for the installation of a sump pump at the Belleville interconnection. Respondent is therefore, in violation of 40 C.F.R. §141.723(c).
- 33. Based on information provided to EPA, Respondent's public water system exceeded the MCL for HAA5 at multiple locations during the April - June 2018 and July - September 2018 monitoring periods.
- 34. Based on information provided to EPA, Respondent's wholesale system exceeded the MCL for HAA5 at multiple locations during the July - September 2018 monitoring period.
- 35. EPA is issuing this AO 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:

- 36. Within ten (10) days of the receipt of this AO, Respondent must provide certification that it has fully complied with the initial and repeat public notices, for the violation of the HAA5 MCL incurred during the April - June 2018 and July - September 2018 monitoring periods, including the notification of Respondent's wholesaler's HAA5 MCL violation for the period of July - September 2018. A copy of each type of notice distributed, published and/or posted must be included with the certification, as per 40 C.F.R. §141.31(d).
- 37. Respondent must continue to repeat the public notice every three months as long as the violation persists, in accordance with 40 C.F.R. §141.203(b)(2). Public notice language must be in accordance with 40 C.F.R. §141.205.
- 38. By November 23, 2018, Respondent must complete all work at the Belleville interconnection. A certification that the sump pumps have been installed and are fully operational must be submitted to EPA and NJDEP by November 30, 2018.
- 39. By December 7, 2018, Respondent must submit to EPA and NJDEP copies of all operational evaluation reports completed since January 1, 2018 as triggered by any exceedances of the operational evaluation levels, pursuant to 40 C.F.R. §141.626(b).
- 40. By January 31, 2019, Respondent must submit to EPA and NJDEP a corrective action plan for the HAA5 MCL violation. At a minimum, the plan must include the following:



- a. a routine schedule for collecting TTHM and HAA5 samples from the interconnections on a quarterly basis of the purchased water entering Respondent's water system;
- b. a description of steps taken to date to evaluate the disinfection byproducts levels entering the Belleville public water system via the interconnections, including a summary of any operational data collected to date;
- c. a description of steps taken to date to evaluate the disinfection byproduct formation within Belleville's distribution system, including a summary of any surveillance and/or operational data;
- d. a summary of any discussions with the City of Newark regarding alternatives for modifications to operation and/or transmission of water to interconnections to reduce disinfection byproduct levels;
- e. a summary of any operational changes implemented and the impact on disinfection byproduct levels;
- f. a description of treatment alternatives evaluated by Respondent; and
- g. a schedule for completing any planned treatment modifications and/or capital improvements.<sup>1</sup>

41. Respondent must complete a thorough materials evaluation of its distribution system in order to identify 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.

- a. By November 30, 2018, Respondent must submit a summary of service lines evaluated to date. The summary must identify the location of the service line and categorize it as Tier 1, Tier 2, Tier 3 or Non-Tier site.
- b. By December 31, 2018, Respondent must submit a draft Lead and Copper Sampling Plan and sampling pool, and an updated list of lead services lines identified within the distribution system. The sampling plan must be submitted utilizing the following NJDEP forms: "Lead and Copper Sampling Plan Template", "Lead and Copper Sampling Pool Certification" and "PbCu Sample Location Spreadsheet", available at <http://www.nj.gov/dep/watersupply/dwc-lead-public.html>.<sup>2</sup>
- c. During the week of January 7, 2019, Respondent must update EPA and NJDEP via conference call (to be scheduled at a mutually agreeable date and time), on the

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<sup>1</sup> For information on the Stage 2 DBPs, visit <https://www.epa.gov/dwreginfo/stage-1-and-stage-2-compliance-help-community-water-system-owners-and-operators>

<sup>2</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>

- status of the materials evaluation and progress in identifying Tier 1 sites (particularly lead service lines) within the distribution system.
- d. By January 31, 2019, Respondent must submit to EPA and NJDEP, for review and approval, a revised Lead and Copper Sampling Plan and sampling pool. Information must be submitted utilizing the following NJDEP forms: “Lead and Copper Sampling Plan Template”, “Lead and Copper Sampling Pool Certification” and “PbCu Sample Location Spreadsheet”.
  - e. By January 31, 2019, Respondent must provide an update on the status of its thorough materials evaluation of the distribution system, including what portion of the distribution system remains to be evaluated and a schedule for completing.
42. By January 31, 2019, Respondent must submit a Water Quality Parameter (WQP) Monitoring Plan that meets the requirements of 40 C.F.R. §141.87. The WQP Monitoring Plan must include tap and entry point to the distribution system sampling locations. Tap sampling locations must be representative of water quality throughout the distribution system and the number of sites is based on the system’s population, in accordance with 40 C.F.R. §141.87(a)(2). Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment, including all permanent interconnections that receive water treated using corrosion control treatment for lead and copper. Information must be submitted utilizing NJDEP template “Water Quality Parameter Sampling”, available at <https://www.state.nj.us/dep/watersupply/doc/wqp-template.docx>.
43. Beginning with the monitoring period of January 1, 2019 – June 30, 2019, Respondent must conduct standard six-month lead and copper monitoring at customer taps. All sites from which first draw water samples are to be collected shall be selected from the list of targeted sampling sites, as approved by NJDEP and EPA pursuant to paragraph 41. The number of samples to be collected is based on the system’s population and identified as standard monitoring in 40 C.F.R. §141.86(c).
44. If the lead and/or copper action levels are exceeded during the first round of standard monitoring period established in paragraph 43, Respondent must comply with the following requirements: corrosion control treatment recommendation (40 C.F.R. §141.82), source water monitoring and treatment recommendation (40 C.F.R. §141.83), additional public education requirements triggered by an action level exceedance (40 C.F.R. §141.85) and water quality parameters (40 C.F.R. §141.87). In addition, Respondent must submit form “Request to Suspend Lead and Copper Monitoring During Corrosion Control Treatment (CCT) Steps, available at <https://www.state.nj.us/dep/watersupply/pdf/PbCuSuspend.pdf> within thirty (30) days of the action level exceedance. Information pertaining to these requirements must be reported in accordance with 40 C.F.R. §141.90 and submitted to EPA and NJDEP.
45. By July 10, 2019, Respondent must report all required information for lead and copper monitoring conducted pursuant to paragraph 43, as established in 40 C.F.R. §141.90(a). Information must be submitted to EPA and to NJDEP via E2.

46. If lead and/or copper action levels are met during the monitoring period established in paragraph 43, Respondent must conduct a second round of standard lead and copper monitoring at customer taps during the monitoring period of July 1, 2019 – December 31, 2019. All sites from which first draw water samples are to be collected shall be selected from the list of targeted sampling sites as approved by EPA and NJDEP pursuant to paragraph 41. The number of samples to be collected is based on the system's population and identified as standard monitoring in 40 C.F.R. §141.86(c).
47. By January 10, 2020, Respondent must report all required information for lead and copper monitoring conducted pursuant to paragraph 46, as established in 40 C.F.R. §141.90(a). Information must be submitted to EPA and NJDEP via E2.
48. If the lead and/or copper action levels are exceeded during the second round of standard monitoring established in paragraph 46, Respondent must comply with the following requirements: corrosion control treatment recommendation (40 C.F.R. §141.82), source water monitoring and treatment recommendation (40 C.F.R. §141.83), public education requirements triggered by an action level exceedance (40 C.F.R. §141.85) and water quality parameters (40 C.F.R. §141.87). In addition, Respondent must submit form "Request to Suspend Lead and Copper Monitoring During Corrosion Control Treatment (CCT) Steps, available at <https://www.state.nj.us/dep/watersupply/pdf/PbCuSuspend.pdf> within thirty (30) days of the action level exceedance. Information pertaining to these requirements must be reported in accordance with 40 C.F.R. §141.90 and submitted to EPA and NJDEP.
49. Respondent must notify customers of the monitoring results for the lead tap monitoring required in paragraphs 43 and 46, within thirty (30) days after the system learns of the tap monitoring results. Consumer notice content must be in accordance with 40 C.F.R. §141.85(d)(3). Within 3 months following the issuance of providing the results, Respondent must provide a completed sample copy of the consumer notice of tap results along with a certification that the notification has been distributed in a manner consistent with the requirement of 40 C.F.R. §141.85(d), in accordance with 40 C.F.R. §141.90(f)(3).
50. By March 15, 2019, Respondent must submit, to EPA and NJDEP for approval, a draft of the Consumer Confidence Report that will be mailed to customers by July 1, 2019. The report must meet the requirements of 40 C.F.R. §§141.153 and 141.154<sup>3</sup> and must include public notice<sup>4</sup>, in accordance with 40 C.F.R. §141.205, of the violations identified in paragraph 32 of this Order.

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<sup>3</sup> For information and assistance with developing a CCR, visit <https://www.epa.gov/ccr/how-water-systems-comply-ccr-requirements>

<sup>4</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>

51. By October 1, 2019, Respondent must submit a copy of the final CCR and the certification that the report was distributed to customers.
52. 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, 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

Patricia L. Gardner, Director  
Division of Water Supply and Geoscience  
New Jersey Department of Environmental Protection  
Mail Code 401-04Q  
PO Box 420  
Trenton, NJ 08625  
[patricia.gardner@dep.nj.gov](mailto:patricia.gardner@dep.nj.gov)

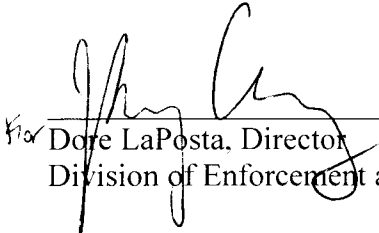
#### **IV. GENERAL PROVISIONS**

53. 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.
54. 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.

55. 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).
56. Respondent may seek federal judicial review of the Order pursuant to Section 1448(a) of the Act, 42 U.S.C. §300j-7(a).
57. This Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable federal, State or local law.
58. This Administrative Order shall take effect upon the signature of the Director, Division of Enforcement and Compliance Assistance.

ORDERED, this 5<sup>th</sup> day of November, 2018

  
\_\_\_\_\_  
Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance