



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

JULY 21, 2020

Via Electronic Mail To: - aiacono@bellevillenj.org

Anthony D. Iacono, Township Manager
Township of Belleville
Belleville Water Department
152 Washington Ave.
Belleville, NJ 07109

Filed July 22, 2020 @ 9:20am
USEPA – Region II
Regional Hearing Clerk

Re: In the Matter of: Consent Agreement and Final Order
Belleville Water Department, PWS ID: NJ0701001
Docket No. SDWA-02-2020-8401

Dear Mr. Iacono:

Enclosed is the fully executed Consent Agreement and Final Order (CAFO) that resolves the above referenced matter. Please note that payment of the civil penalty assessed must be paid forty-five (45) days after the Effective Date, which is the date the Regional Judicial Officer signs the Final Order (Section V of the CAFO).

Thank you for your cooperation and assistance to bring this matter to a mutually satisfactory resolution.

Sincerely,

For Dore LaPosta, Director
Enforcement Compliance Assurance Division

Enclosure

cc: Karen Maples, Regional Hearing Clerk
Helen Ferrara, Regional Judicial Officer
Rich Paull, NJDEP
Patricia L. Gardner, NJDEP

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REGION II
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CONSENT AGREEMENT

AND

FINAL ORDER

Docket No.

SDWA-02-2020-8401

IN THE MATTER OF:

Township of Belleville
152 Washington Avenue
Belleville, NJ 07109

Respondent.

Belleville Water Department (NJ0701001)

Proceeding Pursuant to Section §1414(g)(3)(B) of the
Safe Drinking Water Act, 42 U.S.C. §300g-3(g)(3)(B)

I. PRELIMINARY STATEMENT

1. This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 1414(g)(3)(B) of the Safe Drinking Water Act (the “Act”), 42 U.S.C. §300g-3(g)(3)(B).
2. EPA is initiating and concluding this administrative proceeding for the assessment of a civil penalty pursuant to Section 1414(g)(3)(B) of the Safe Drinking Water Act (the “Act”), 42 U.S.C. §300g-3(g)(3)(B) and 40 C.F.R. §22.13(b) of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits” (“CROP”), which sets forth procedures for simultaneous commencement and conclusion of administrative civil penalty assessment proceedings through issuance of a consent agreement and final order pursuant to 40 C.F.R. §§22.18(b)(2) and (3).
3. This Consent Agreement is entered into by the Enforcement and Compliance Assurance Division (“Director”), Region 2, United States Environmental Protection Agency (“Complainant”) and the Township of Belleville (“Respondent”), pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300g-3(g)(3)(B), and in accordance with 40 C.F.R. Part 22. The authority to issue this Consent Agreement has been duly delegated by the Regional Administrator of Region 2 to the Director.
4. The Complaint has charged Respondent with violating the terms and conditions of an Administrative Order (“AO”) issued to Respondent pursuant to Section 1414(g) of the Act, 42 U.S.C. §300g-3(g), requiring compliance with an applicable requirement of the Act at Respondent’s public water system (Belleville Water Department) located in Belleville, New Jersey.

5. This Consent Agreement and Final Order (collectively “CA/FO”) resolves violations of specific requirements under EPA AO Docket Number SDWA-02-2018-8050.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

6. Respondent owns and/or operates a “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.
7. Respondent is a “supplier of water” as that term is defined in Section 1401(5) of the SDWA, 42 U.S.C. §300(f)(5), and 40 C.F.R. §141.2.
8. Respondent is a “person” within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. §300f(12).
9. According to the SDWA §1414(g)(3)(b), 42 U.S.C. §300g-3(g)(3)(B), each person that owns or operates any public water system is subject to and must comply with, all federal, State, interstate, and local requirements, both substantive and procedural, to the same extent as any supplier of water is subject to such requirements.
10. Respondent provides piped water for human consumption. Respondent’s PWS regularly serves at least 15 service connections used by year-round residents and/or regularly serves at least 25 year-round residents, and is therefore a “community water system” (“CWS”) as defined by Section 1401(15) of the SDWA, 42 U.S.C. §300f(15), and 40 C.F.R. §141.2. Respondent is therefore subject to the requirements of Part B of the SDWA, 42 U.S.C. §300g, and its implementing regulations found at 40 C.F.R. Part 141.
11. On June 6, 2018, EPA issued an Administrative Order (“AO” or “Order”), Docket Number SDWA-02-2018-8050, requiring Respondent to, among other things, comply with the Consumer Confidence Report (“CCR”) requirements.
12. By letter dated July 12, 2018, Respondent transmitted a copy of the 2018 CCR, however it failed to contain all the required information.
13. On August 6, 2019, Respondent submitted a copy of the CCR provided to customers by July 1, 2019 (“2019 CCR”). Content of the CCR met the language and content requirements of 40 C.F.R. §§141.153 and 141.154.
14. With the Respondent’s submission on August 6, 2019, EPA has deemed that the compliance requirements of EPA’s Administrative Order have been satisfied, and such Administrative Order is now closed and superseded by the instant Consent Agreement/Final Order.

III. CONSENT AGREEMENT

15. EPA and Respondent agree that it is in the public interest to resolve the issues alleged in this Consent Agreement without further litigation and the expense and effort that litigation entails.

16. Based upon the foregoing and pursuant to Section 1414(g)(3)(B) of the SDWA, 42 U.S.C. §300g-3(g)(3)(B), and Section 22.13(b) of the CROP, 40 C.F.R. §22.13(b), it is hereby agreed by and between EPA and Respondent, and Respondent voluntarily and knowingly agrees as follows:

IV. TERMS OF SETTLEMENT

17. For the purpose of this proceeding, Respondent:

- a. Admits the jurisdictional allegations of the CA/FO;
- b. Neither admits nor denies the factual allegations contained herein;
- c. Waives its right to contest the allegations, a judicial or administrative hearing, or to appeal the CA/FO;
- d. Consents to the payment of a civil penalty in the amount of **THREE THOUSAND DOLLARS (\$3,000.00)**, as stated in Section V below.

V. PAYMENT OF CIVIL PENALTY

18. Respondent shall pay a civil penalty to EPA in the amount of **THREE THOUSAND DOLLARS (\$3,000.00)**. Such payment shall be made by check, Electronic Fund Transfer (“EFT”) or debit/credit card. If the payment is made by check, then the check shall be payable to the “Treasurer, United States of America,” and shall be mailed to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

The check shall be identified with a notation thereon listing the following: **IN THE MATTER OF: Township of Belleville** and shall bear thereon **Docket Number SDWA-02-2020-8401**. Payment of the penalty must be received at the above address on or before forty-five (45) calendar days after the Effective Date of the CA/FO.

If Respondent elects to make the payment by EFT, then Respondent shall provide the following information to its remitter bank:

- a. Amount of Payment: \$3,000.00.
- b. SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- c. Account Code for Federal Reserve Bank of New York receiving payment:
68010727
- d. Federal Reserve Bank of New York ABA routing number: 021030004

- e. Field Tag 4200 of the Fedwire message should read “D 68010727 Environmental Protection Agency”
- f. Name of Respondent: Township of Belleville
- g. Case Number: SDWA-02-2020-8401

If Respondent elects to make an online payment using credit/debit cards through www.pay.gov (enter sfo.1.1 in the search field and complete the required fields in the EPA Miscellaneous Payment Form), Respondent shall provide the following information in the comments section:

- a. Case Number: SDWA-02-2020-8401
- b. Name of Respondent: Township of Belleville

Such EFT or online payment must be received on or before 45 calendar days after the Effective Date of the CA/FO. Whether the payment is made by check, EFT or online, Respondent shall promptly thereafter furnish reasonable proof that such payment has been made, to both:

Phyllis Feinmark, Chief
Water and General Law Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866
(212) 637-3232

and

Karen Maples, Regional Hearing Clerk
U.S. Environmental Protection Agency – Region 2
290 Broadway, 16th Floor
New York NY 10007-1866

- 19. Failure to pay the amount in full within the time period set forth above may result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection.
- 20. Further, if the payment is not received on or before the due date, interest will be assessed at the annual rate established by the Secretary of Treasury pursuant to the Debt Collection Act, 31 U.S.C. §3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30-day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.
- 21. The civil penalty constitutes a penalty within the meaning of 26 U.S.C. §162(f).

22. The penalty to be paid is a civil penalty assessed by the EPA and shall not be deductible from Respondent's federal or state taxes.


VI. GENERAL PROVISIONS

23. The provisions of the CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, authorized representatives and successors or assigns, including but not limited to subsequent purchasers. No transfer of ownership or operation shall relieve Respondent of its obligation to comply with the CA/FO.
24. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.
25. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.
26. Respondent knowingly and explicitly waives its rights under Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300g-3(g)(3)(b), to request or to seek any Hearing on or appeal of this Consent Agreement or the Findings of Fact and Conclusions of Law herein, or on the accompanying Final Order.
27. Respondent waives any right it may have pursuant to 40 C.F.R. §22.8, to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Judicial Officer where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the accompanying Final Order.
28. Respondent also hereby expressly waives its right to confer with the Administrator under Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300g-3(g)(3)(B).
29. EPA reserves the right to commence action against any person or persons, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the CROP. Further, EPA reserves any right and remedy available to it under the SDWA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction to enforce the provisions of the CA/FO, following its filing with the Regional Hearing Clerk. Respondent's full compliance with this Consent Agreement shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. Respondent's full compliance with this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations and facts described in Section II of this Consent Agreement.

30. Issuance of the CA/FO does not constitute a waiver by EPA of its right to enforce the substantive legal requirements underlying this penalty assessment, either administratively or judicially pursuant to Section 1414 of the Act, 42 U.S.C. §300g-3. Issuance of or compliance with the CA/FO does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable requirements of the Act, of regulations promulgated thereunder and of any legal order or permit issued thereunder.
31. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.
32. Respondent consents to service by a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.
33. Each party hereto agrees to bear its own costs and fees in this matter.

FOR RESPONDENT:

DATE: July 17, 2020



Anthony D. Iacono, Township Manager
Township of Belleville
Belleville Water Department
152 Washington Ave.
Belleville, NJ 07109

In the Matter of:
Township of Belleville
PWS ID: NJ0701001
Docket No. SDWA-02-2020-8401

FOR COMPLAINANT:

DATE: July 21, 2020

For Dore LaPosta, Director
Enforcement and Compliance Assurance
Division
US Environmental Protection Agency
Region 2
New York, New York 10007-1866

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VII. FINAL ORDER

The Regional Judicial Officer for the U.S. Environmental Protection Agency, Region 2, as delegated by the Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Agreement entered into by the parties is hereby approved, incorporated herein, and issued as an Order. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA Region 2, New York, New York.

DATE: July 21, 2020

HELEN S. FERRARA
Regional Judicial Officer
U.S. EPA, Region 2
290 Broadway
New York, NY 10007-1866

In the Matter of:
Township of Belleville
PWS ID: NJ0701001
Docket No. SDWA-02-2020-8401