

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, NY 10007-1866

IN THE MATTER OF:

Camden County Department of Public Works
Charles J. DePalma Complex
2311 Egg Harbor Road
Lindenwold, New Jersey 08021

Respondent

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. § 1319(g)

**CONSENT AGREEMENT
AND
FINAL ORDER**

CWA-02-2019-3311

I. PRELIMINARY STATEMENT

The Complainant in this proceeding, the Director of the Enforcement and Compliance Assurance Division, Region 2, United States Environmental Protection Agency (“EPA” or “Complainant”), issued an “Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing,” Docket Number CWA-02-2019-3311 issued on July 16, 2019 (“Complaint”) to Camden County Department of Public Works (“Respondent”); and

Complainant and Respondent (collectively, “the Parties”), having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order (“CA/FO” or “Agreement”) without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

II. PROCEDURAL BACKGROUND AND FACTUAL FINDINGS

1. The following Procedural Background and Factual Findings are made pursuant to the authority vested in the Administrator of the EPA by the Clean Water Act, 33 U.S.C. § 1251 *et. seq.* (“Act”), which authority has been duly delegated to the Regional Administrator of EPA Region 2, and since further re-delegated to the Director, Enforcement and Compliance Assurance Division, EPA Region 2.

2. EPA initiated this proceeding to assess a civil penalty against Respondent, pursuant to Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(2)(A).
3. The Complaint alleges numerous violations of Section 301 of the Act, 33 U.S.C. § 1311, by Respondent due to its failure to comply with the terms of the New Jersey Department of Environmental Protection's ("NJDEP's") Highway Agency Stormwater General Permit for Municipal Separate Storm Sewer Systems ("MS4") (NJPDES Permit No. NJG0153419) in the operation of its MS4, and proposes to assess a civil penalty of fifty-four thousand eight hundred thirty-three dollars (\$54,833).
4. The Complaint was published for public notice between July 23 and August 22, 2019. No comments were filed.
5. Respondent has not filed an Answer or requested a hearing pursuant to 40 C.F.R. Part 22.
6. EPA is concluding this proceeding for the assessment of a civil penalty, pursuant to 40 C.F.R. § 22.18(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 conclusion of administrative civil penalty assessment proceedings through issuance of a consent agreement and final order.

III. CONSENT AGREEMENT

Based upon the foregoing and pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), and the CROP, it is hereby agreed by and between EPA and Respondent, and Respondent voluntarily and knowingly agrees as follows:

A. SETTLEMENT TERMS

1. For the purposes of this proceeding, Respondent:
 - a. admits the jurisdictional allegations contained in the Complaint;
 - b. neither admits nor denies the specific factual allegations contained in the Complaint;
 - c. consents to the payment of the civil penalty in the amount of **Thirty-Two Thousand Dollars (\$32,000)**, as described in the Payment of Civil Penalty Section below;
 - d. waives any right to contest any allegations, at a judicial or administrative hearing, contained in this CA/FO; and
 - e. waives any right, whether judicial or administrative, to appeal or request review of this CA/FO.
2. Respondent's performance of the terms of this CA/FO only resolves its liability for federal civil penalties for the violations specifically alleged in the Complaint.
3. Nothing in this CA/FO shall relieve Respondent of the duty to comply with all applicable provisions of the Clean Water Act and any other environmental laws.

4. Nothing in this CA/FO shall be construed as prohibiting, altering, or in any way limiting the ability of the EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CA/FO or for Respondent's violation(s) of any other applicable provision of law or regulation, nor shall it be construed as limiting the defenses that Respondent may raise to any such alleged violation(s).
5. This CA/FO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter thereof.
6. The terms of this CA/FO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Administrator or other delegate.
7. This CA/FO shall be binding on Respondent, its officers or agents, and on any of its successors or assignees.
8. Each party to this CA/FO shall bear its own costs and attorneys' fees in the action resolved thereby.
9. Each of the undersigned representatives certifies that she or he is duly authorized by the party whom she or he represents to enter into the terms and conditions of this CA/FO and to bind that party to it.

B. PAYMENT OF CIVIL PENALTY

10. Respondent shall pay a civil penalty in the amount of **Thirty-Two Thousand Dollars (\$32,000)** to the "Treasurer of the United States of America."
11. Payments must be identified with "Docket No. CWA-02-2019-3311," and can be made in any of the following ways:
 - a. by debit/credit card, at <https://www.pay.gov/paygov/>
 - b. by check from a U.S. bank, through:
 - United States Post Office, to:
 - U.S. Environmental Protection Agency
 - Fines and Penalties Cincinnati Finance Center
 - PO Box 979077
 - St. Louis, MO 63197- 9000
 - UPS, Federal Express, or Overnight Mail, to:
 - US Bank
 - Government Lockbox
 - 979077 US EPA Fines & Penalties
 - 1005 Convention Plaza SL-MO-C2-GL
 - St. Louis, MO 63101
 - c. by check drawn on foreign banks with no U.S. branches (any currency), to:
 - Cincinnati Finance
 - US EPA, MS-NWD
 - 26 W ML King Drive

Cincinnati, OH 45268-0001

- d. by wire transfer (any currency), to:
Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"
Details on format and content of wire transfers, at:
www.epa.gov/ocfo/finservices/required_info.htm.
- e. by ACH - Automated Clearinghouse for receiving U.S. currency, to:
US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006
Environmental Protection Agency
CTX Format Transaction Code 22 - checking
- f. by REX (Remittance Express) 1-866-234-5681:
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

12. Within 24 hours of its payment of the penalty, Respondent shall send proof of payment to each of the following:

Douglas McKenna
Chief, Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
290 Broadway – 21st Floor
New York, NY 10007

and

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

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer in the amount due, and identified with “Docket No. CWA-02-2019-3311,” and any other information required to demonstrate that payment has been made according to the applicable payment method.

13. The payment must be received by the United States on or before 30 calendar days after the effective date of this CA/FO (hereafter referred to as the “due date”).

14. Failure to pay the penalty in full according to the above provisions will result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for Collection.
15. 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 fifteen dollars (\$15) will be assessed for each 30-day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6 percent per annum penalty will be applied on any principle amount not paid within 90 days of the due date.
16. In addition, pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9), if payment is not received by the due date, a quarterly nonpayment penalty will be imposed for each calendar quarter during which such nonpayment persists. The quarterly nonpayment penalty is 20 percent of the aggregate amount of penalties and quarterly nonpayment penalties that are unpaid as of the beginning of such quarter. Respondent may also be required to pay attorneys' fees and costs for collection proceedings in connection with nonpayment.
17. The penalty to be paid is a civil penalty assessed by the EPA and shall not be deductible from Respondent's federal or State of New Jersey taxes.

IV. EFFECTIVE DATE

This CA/FO shall become effective after signature of the Consent Agreement by the parties, execution of the Final Order by the ECAD Division Director, and filing of the CA/FO with the Hearing Clerk. Upon filing, the EPA will electronically serve a copy of the filed CA/FO on Respondent.

V. SIGNATURES

The foregoing Consent Agreement, *In the Matter of Camden County Department of Public Works*, Docket No. CWA-02-2019-3311, is hereby stipulated, agreed, and approved for entry:

FOR RESPONDENT:



John Wolick
Director
Camden County Department of Public Works
Charles J. DePalma Complex
2311 Egg Harbor Road
Lindenwold, New Jersey 08021

Date 7/7/20

FOR COMPLAINANT:

For _____
Dore LaPosta
Director, Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
290 Broadway – 21st Floor
New York, New York, 10007-1866

July 8, 2020

Date

FINAL ORDER

The Regional Administrator of the United States Environmental Protection Agency, Region 2, vested by authority delegated by the Administrator of the United States Environmental Protection Agency ("EPA") and having further re-delegated such authority to the Director of the Enforcement and Compliance Assurance Division, Region 2, EPA, ratifies the foregoing CA/FO. The Consent Agreement entered into by the Parties is hereby approved, incorporated herein, and issued as an Order.

July 8, 2020

For _____
Dora LaPosta
Director, Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2
290 Broadway – 21st Floor
New York, New York 10007-1866

Date