



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

20 Km
2013 MAY 19 A 10:05
REGIONAL HEARING
CLERK

MAY 15 2013

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number 7011 2970 0003 2008 8404

Mr. Kevin Aiello
Administrator, Environmental Quality
Middlesex County Utilities Authority
2571 Main Street Extension
Sayreville, New Jersey 08872

Re: In the Matter of Middlesex County Utilities Authority
Docket No. TSCA-02-2013-9103

Dear Mr. Aiello:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

Please note that the forty-five (45) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Judicial Officer. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of your payment check or documentation of electronic payment is provided to the EPA staff member listed in that section of the Agreement.

Please contact Vivian Chin of my staff at (732) 906-6179 or by electronic mail at chin.vivian@epa.gov, should you have any questions regarding this matter.

Sincerely,

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
20 Km
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In the Matter of :
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Middlesex County Utilities Authority :
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Respondent. :
:
:
Proceeding under Section 16(a) of :
the Toxic Substances Control Act. :
-----X

CONSENT AGREEMENT
AND
FINAL ORDER

Docket No.
TSCA-02-2013-9103

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 (July 1, 2000) (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The Director of the Division of Enforcement and Compliance Assistance, United States Environmental

Protection Agency, Region 2 (hereinafter "EPA" or "Complainant"), alleges that Middlesex County Utilities Authority (hereinafter "Respondent") violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and Respondent agree that settling this matter by entering into this CAFO pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. § 22.18(b)(2) and (3), is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent is Middlesex County Utilities Authority.
2. Respondent owns, operates, and/or controls the facility in and around 2571 Main Street Extension in Sayreville, New Jersey (hereinafter "Respondent's facility").
3. On or about May 10, 2012, duly designated representatives of the EPA conducted an inspection of and at Respondent's facility.
4. As a result of the inspection, EPA determined that Respondent had failed to maintain PCB Annual Document Logs in accordance with the specifications and requirements of 40 C.F.R. § 761.180(a).

