

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

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Compliance Branch

IN THE MATTER OF:

Mansfield Township
Mansfield Township Municipal Complex
100 Port Murray Road
Port Murray, NJ 07865

Respondent

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

CONSENT AGREEMENT
AND
FINAL ORDER

Docket No.
SDWA-02-2019-8404

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. The Complainant in this proceeding, the Director of the Enforcement and Compliance Assurance Division (formerly known as Division of Enforcement and Compliance Assistance), Region 2, United States Environmental Protection Agency ("EPA"), issued a "Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty and Notice of Opportunity to Request a Hearing" ("Complaint") to Mansfield Township ("Respondent") on April 25, 2019.
3. The Complaint charged Respondent with violating the terms and conditions of an Administrative Order 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 Mansfield Municipal Township Complex public water system, located in Port Murray, New Jersey.

II. Findings of Fact and Conclusions of Law

4. Respondent owns and/or operates the Mansfield Township Municipal Complex "public water system," ("PWS") 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 Port Murray, New Jersey.

5. 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.
6. Respondent, is a "person" as defined in Section 1401(12) of SDWA, 42 U.S.C. §300f(12), and 40 C.F.R. §141.2, and is subject to an Administrative Order issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. §300g-3(g)(1).
7. The Mansfield Township Municipal Complex PWS provides piped water for human consumption and regularly serves a population of at least 25 individuals per day for at least 6 months per year, and is therefore a "transient non-community water system" (TNCWS) as defined by Section 1401(16) of the SDWA, 42 U.S.C. §300f(16) and 40 C.F.R. §141.2.
8. On March 20, 2018, after repeated efforts by NJDEP to provide compliance assistance, NJDEP requested EPA pursue appropriate action to address Respondent's violation of the RTCR including its failure to complete a Level 2 Assessment within 30 days of being notified the Level 2 Assessment had been triggered.
9. On April 4, 2018, EPA issued Administrative Order ("AO"), Docket Number SDWA-02-2018-8048, requiring respondent to, among other things, complete and submit a Level 2 Assessment as required by 40 C.F.R. Part 141 Subpart Y.
10. EPA made repeated attempts to collect the information required by the AO including phone calls made on June 4, 5, 11, 2018 and February 4, 2019, and follow-up letters and emails sent June 27, 2018, February 6 and 13, 2019 and March 26, 2019.
11. On September 27, 2019, Respondent submitted a Level 2 Assessment and sampling site plan to EPA and NJDEP. NJDEP approved both submissions on October 4, 2019.
12. With the September 27, 2019 submission, and NJDEP's subsequent approval, EPA has deemed that Respondent has satisfied the compliance requirements of EPA's Administrative Order, and such AO is now closed.

III. Consent Agreement

Based upon the foregoing, and pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300g-3(g)(3)(B), and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits" ("CROP") (40 C.F.R. §22.18), it is hereby agreed by and between the parties and Respondent voluntarily and knowingly agrees as follows:

Jurisdiction

13. For the purpose of this proceeding, Respondent a) admits the jurisdictional allegations of the Complaint as applied to the facility; and b) admits the specific factual allegations and legal conclusions contained in the Complaint and Findings of Fact.

Payment of Civil Penalty

14. Respondent shall pay a civil penalty to EPA in the amount of **One Thousand Dollars (\$1,000.00)**. Such payment shall be made by cashier's or certified check or by Electronic Fund Transfer (EFT). 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:

U.S. 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: Mansfield Township Municipal Complex**, and shall bear thereon the **Docket Number SDWA-02-2019-8404**. Payment of the penalty must be received at the above address on or before thirty (30) calendar days after the Effective Date of this CA/FO (the "due date").

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

- a. Amount of Payment: \$1,000.00.
- 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: Mansfield Township
- g. Case Number: SDWA-02-2019-8404

Such EFT must be received on or before 30 calendar days after the Effective Date of this CA/FO.

Whether the payment is made by check or by EFT, the Respondent shall promptly thereafter furnish reasonable proof that such payment has been made, to both:

Tim Murphy, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency - Region 2
290 Broadway - 16th Floor
New York, NY 10007-1866

and

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

- h. 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.
- i. 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.
- j. The civil penalty constitutes a penalty within the meaning of 26 U.S.C. §162(f).
- k. 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

- 15. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities that might have attached as a result of the allegations contained in the Complaint. 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.
- 16. 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.

17. Respondent knowingly and explicitly waives its right under §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 Judicial review of the Complaint or on any of the allegations therein asserted, on this Consent Agreement or the Findings of Fact and Conclusions of Law herein, or on the accompanying Final Order.
18. 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 Administrator or the Deputy Regional Administrator 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.
19. Issuance of the Consent Agreement and Final Order 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 Sections 1414 of the Act, 42 U.S.C. §300g-3. Issuance of or compliance with this Consent Agreement/Final Order 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.
20. 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.
21. The provisions of this Consent Agreement and Final Order shall be binding upon the Respondent, its officers, directors, agents, servants, authorized representatives and successors or assigns.
22. Each party hereto agrees to bear its own costs and fees in this matter.
23. Respondent consents to service upon Respondent by a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

FOR Mansfield Township:

Dated this 22 day of: January, 2019 ~~2000~~

Joseph Watters
 [Insert Name and Title] Joseph Watters, Mayor
 Mansfield Township
 [Address Line 1] 100 Port Murray Rd
 [Address Line 2] Port Murray, NJ 07865

FOR THE US Environmental Protection Agency, Region 2:

Dated this _____ day of: **FEB - 5 2020**



Dore LaPosta, Director

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency

Region 2

New York, NY 10007-1866

In the Matter of:

Mansfield Township Municipal Complex

PWS ID: NJ2116333

Docket No. SDWA-02-2019-8404

IV. 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: 2/11/2020



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

In the Matter of:
Mansfield Township Municipal Complex
PWS ID: NJ2116333
Docket No. SDWA-02-2019-8404