

NOTICE OF ORDER TO COMPLY

To:
Liza Viana, Business Administrator
Township of Berkeley Heights
29 Park Avenue
Berkeley Heights NJ 07922

Inspection Number: 1611522
PEOSH Number: C74-01-025
Inspection Date (s): 07/26/2022
Issuance Date: 08/08/2022
CSHO: V5464
Reason: Complaint Inspection

Inspection Site: Berkley Heights
Water Pollution Control Plant
29 Snyder Avenue
Berkeley Heights NJ 07922

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

The enclosed Order to Comply describes violations of the Public Employees' Occupational Safety and Health Act. The violations referred to in this Order must be abated by the dates listed unless within 15 working days (excluding weekends and State holidays) from the issuance of this Order to Comply you mail a notice of intent to contest to the Department of Labor and Workforce Development at the address shown above. Please refer to the enclosed Public Employees' Occupational Safety and Health Act which outlines your rights and responsibilities and which should be read in conjunction with this form. The Order will become the Final Order if no notice of intent to contest is filed as provided for in the Act or, if contested, the Order is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Notice and the Order to Comply be posted immediately in a prominent place at or near the location of each violation cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Order must remain posted until each violation cited herein has been abated, or for 15 working days (excluding weekends and State holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Office of Public Employees' Occupational Safety and Health during the 15 working day contest period by contacting the office shown above. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s).

If you are considering a request for an informal conference to discuss any issues related to the Order to Comply, a written letter of intent to contest must be submitted to the Office of Public Employees' Occupational Safety and Health within 15 working days of issuance of the Order. The contest period is not interrupted by a request for an informal conference.

If you decide to request an informal conference, the Office of Public Employees' Occupational Safety and Health will schedule the conference, which will be conducted within 30 days of receipt of the request. Employees and/or

employee representatives will be notified of their right to attend the conference. The Office of Public Employees' Occupational Safety and Health will arrange for representatives of the Department of Health to conduct conferences requested from Orders to Comply issued pursuant to a certification from the Commissioner of Health that an employer violation has been determined to exist within the Department of Health jurisdiction under the Act.

Any and all supporting documentation of existing conditions as well as any abatement steps taken thus far must be brought to the conference. If conditions warrant, an informal settlement agreement, which amicably resolves this matter without litigation or contest may be entered into.

Right to Contest - You have the right to contest this Order to Comply. You may contest all citation items or only individual items. You may also contest abatement dates without contesting the underlying violations. **Unless you inform the Office of Public Employees' Occupational Safety and Health in writing that you intend to contest the citation(s) and/or abatement dates within 15 working days of the issuance of this Order to Comply, then this Order to Comply shall become a final order.**

Penalties - The Act provides that if the time for compliance with an order of the Commissioner elapses, and the employer has not made a good faith effort to comply, the Commissioner shall impose a civil administrative penalty of up to \$7,000 per day for each violation of a provision of N.J.S.A. 34:6A-25 et seq., or of a standard or regulation promulgated under that act, or of an order to comply. Any employer who willfully or repeatedly violates the requirements of this section or any standard, rule, order or regulation promulgated under that act shall be assessed a civil administrative penalty of up to \$70,000 for each violation. Penalties imposed under this section may be recovered with costs in a civil action commenced by the Commissioner by a summary proceeding under "the penalty enforcement law" (N.J.S.A. 2A:58-1 et seq.) in the Superior Court or a municipal court, either of which shall have jurisdiction to enforce "the penalty enforcement law" in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given for compliance in accordance with the order of the Commissioner shall constitute an additional separate and distinct offense. If this penalty remains unpaid for more than 30 days, this order shall be recorded on the Judgment docket of the Superior Court.

Penalties will be based upon factors such as gravity of the violation, the probability that an injury or illness would result from the hazard, the good faith efforts of the employer to comply, the presence of meaningful safety and health programs and the history of previous violations.

Request to Delay Issuance of Penalty Order to Comply – When an employer submits a request to delay the issuance of an Order to Comply establishing penalties, the employer shall submit such written request 10 calendar days prior to the abatement date(s) established in the original Order to Comply.

Notification of Corrective Action - For **each** violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the New Jersey Department of Health, PEOSH Program. This certification **must** be sent by you prior to the abatement date indicated on the citation. For **Willful** and **Repeat** violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has

been discriminated against may file a complaint, no later than 180 days after the employee first had knowledge that such discrimination occurred, with the Office of Public Employees' Occupational Safety and Health at the address shown above.

Employer Rights and Responsibilities - The enclosed copy of the Public Employees' Occupational Safety and Health Act outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or an employee representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Office of Public Employees' Occupational Safety and Health at the address shown above and postmarked within 15 working days (excluding weekends and State holidays) of the issuance of this Order to Comply.

Thomas Lipski, Chief
Office of Public Employees Occupational Safety and Health



BY: _____
Thomas Wilson, Assistant Chief
Office of Public Employees Occupational Safety and Health

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health
(OPEOSH)

NOTICE TO EMPLOYEES

An informal conference has been scheduled with OPEOSH to discuss the Notice of Unsafe or Unhealthy Working Conditions (Notice) issued on 08/08/2022. The conference will be held at the OPEOSH office located at: 1 John Fitch Way, 3rd Floor, P.O. Box 386, Trenton, NJ 08625 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Notice of Unsafe or Unhealthful Working Conditions

Employer Name: Township of Berkeley Heights
Inspection Site: 29 Snyder Avenue
Berkeley Heights NJ 07922

Inspection Number: 1611522
Inspection Date: 07/26/2022
Issuance Date: 08/08/2022
PEOSH Number: C74-01-025
CSHO: V5464
Reason: Complaint Inspection

Citation 1 Item 1 Violation: **Serious**

29 CFR 1910.305(g)(1)(iv)(A): Flexible cords and/or cables were used as a substitute for the fixed wiring of a structure:

LOC: Control Panel of the Anaerobic Digester

An extension cord was being used as a substitute for permanent wiring on the day of inspection. The extension cord was powering a camera that was installed to observe the flame of the defective Varec Biogas Waste Gas Flare.

Note: The extension cords were laying on the ground where they were subject to damage from foot traffic as well as being exposed to the elements of weather.

REFERENCE: 1910.305(a)(2)(x) Flexible cords and cables shall be protected from accidental damage, as might be caused, for example, by sharp corners, projections, and doorways or other pinch points

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

August 17, 2022

Per Diem Penalty per Violation if not Abated:

\$2800.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Notice of Unsafe or Unhealthful Working Conditions

Employer Name: Township of Berkeley Heights
Inspection Site: 29 Snyder Avenue
Berkeley Heights NJ 07922

Inspection Number: 1611522
Inspection Date: 07/26/2022
Issuance Date: 08/08/2022
PEOSH Number: C74-01-025
CSHO: V5464
Reason: Complaint Inspection

Citation 1 Item 2 Violation: **Serious**

N.J.S.A. 34:6A-33(a): The employer did not provide each of his employees with employment and a place of employment which are free from recognized hazards which may cause serious injury, physical harm or death to his employees:

LOC: Anaerobic Digester, Waste Gas Flare

It was determined during the onsite PEOSH investigation that the ignition system/pilot for the Varec Biogas Candlestick Flare Model #244WG is malfunctioning as it does not light under normal operation. The ignition switch does not function and the flare must be manually hand lit with an igniter. This process requires the employee to insert their arm up into a cylinder and ignite the methane gas coming from the digester tank exposing the employee to the flame/ fire or explosion hazards.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

August 29, 2022

Per Diem Penalty per Violation if not Abated:

\$2800.00

Citation 2 Item 1 Violation: **Other-than-Serious**

29 CFR 1910.38(c)(6): The employer's emergency action plan did not include the name or job title of every employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.

LOC: Records, Emergency Action Plan

A Roll-Call Coordinator identified in the EAP is no longer employed at the facility.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

September 06, 2022

Per Diem Penalty per Violation if not Abated:

\$400.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Notice of Unsafe or Unhealthful Working Conditions

Employer Name: Township of Berkeley Heights
Inspection Site: 29 Snyder Avenue
Berkeley Heights NJ 07922

Inspection Number: 1611522
Inspection Date: 07/26/2022
Issuance Date: 08/08/2022
PEOSH Number: C74-01-025
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Reason: Complaint Inspection

Citation 2 Item 2 Violation: **Other-than-Serious**

29 CFR 1910.39(c)(4): A fire prevention plan did not include the name or job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires:

LOC: Records, Fire Prevention Plan

An employee named in the Fire Prevention Plan is no longer employed at the facility.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

September 06, 2022

Per Diem Penalty per Violation if not Abated:

\$400.00

Citation 2 Item 3 Violation: **Other-than-Serious**

29 CFR 1910.132(d)(2): The employer did not verify that the required workplace hazard assessment had been performed through a written certification that identified the workplace evaluated; the person certifying that the evaluation had been performed; and the date(s) of the hazard assessment.

LOC: Records, Personal Protective Equipment PPE Hazard Assessment

There was no complete written workplace hazard assessment documentation available on the day of inspection concerning personal protective equipment and protective clothing.

COMMENT: The provisions of NFPA 70E - 2009, article 130, can be consulted regarding assessment of tasks performed on energized equipment and selection of electrically related personnel protective equipment and protective clothing.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

September 06, 2022

Per Diem Penalty per Violation if not Abated:

\$400.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Notice of Unsafe or Unhealthful Working Conditions

Employer Name: Township of Berkeley Heights
Inspection Site: 29 Snyder Avenue
Berkeley Heights NJ 07922

Inspection Number: 1611522
Inspection Date: 07/26/2022
Issuance Date: 08/08/2022
PEOSH Number: C74-01-025
CSHO: V5464
Reason: Complaint Inspection

Citation 2 Item 4 Violation: **Other-than-Serious**

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

LOC: Control of Hazardous Energy training records for the periodic inspections were not available for all applicable employees at the time of inspection.

Reference: 29 CFR 1910.147(c)(6)(ii):

The employer shall certify that the periodic inspections have been performed. The certification shall identify the machine or equipment on which the energy control procedure was being utilized, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must be Abated:

September 06, 2022

Per Diem Penalty per Violation if not Abated:

\$400.00

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

Notice of Unsafe or Unhealthful Working Conditions

Employer Name: Township of Berkeley Heights
Inspection Site: 29 Snyder Avenue
Berkeley Heights NJ 07922

Inspection Number: 1611522
Inspection Date: 07/26/2022
Issuance Date: 08/08/2022
PEOSH Number: C74-01-025
CSHO: V5464
Reason: Complaint Inspection

Signed on 08/08/2022 pursuant to the authority vested by law
in the New Jersey Department of Labor and Workforce Development.

Thomas Lipski, Chief
Office of Public Employees Occupational Safety and Health



BY: _____
Thomas Wilson, Assistant Chief
Office of Public Employees Occupational Safety and Health

DISCRIMINATORY ACTS AGAINST EMPLOYEES ARE UNLAWFUL – N.J.S.A. 34:6A-45 – No person shall discharge, or otherwise discipline, or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this section. Any employee who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of this section, may within 180 days after the employee first has knowledge such violation did occur, file a complaint with the Commissioner of Labor and Workforce Development alleging that discrimination.

c: Complainant
Thomas Lipski, Chief
Employee Representative(s)



Philip D. Murphy
Governor

Sheila Y. Oliver
Lieutenant Governor

State of New Jersey
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
LABOR STANDARDS AND SAFETY ENFORCEMENT
MECHANICAL INSPECTION BUREAU OF BOILER AND PRESSURE VESSEL COMPLIANCE
PO BOX 392
TRENTON, NJ 08625-0392

Robert Asaro-Angelo
Commissioner

ORDER TO COMPLY AND NOTICE TO ABATE VIOLATIONS

(Act on Licensing N.J.S.A. 34:7-1, N.J.S.A. 34:7.6 and/or
The Act on Inspection N.J.S.A. 34:7.14, N.J.S.A. 34:7-26)

To:	Print Date:	March 17, 2023
Tom McAndrew	Case No./ID:	BPVC-1199319-00
Township Of Berkeley Heights	Issuance Date:	March 17, 2023
29 Snyder Ave	Comply By Date:	April 16, 2023
Berkeley Heights, NJ 07922-1135		
Inspection Site:		

Township Of Berkeley Heights
29 Snyder Ave
Berkeley Heights, NJ 07922-1135

SUMMARY

An inspection was conducted by the Bureau of Boiler and Pressure Vessel Compliance (BB&PVC) for compliance with the boiler and refrigeration laws and regulations at your business, located at 29 Snyder Ave, Berkeley Heights NJ 07922-1135.

CITATIONS

N.J.A.C. 12:90-9.1 Violations

- (a) This subchapter shall apply to:
1. Findings of violations of N.J.S.A. 34:7-1 et seq., and the issuing of penalties pursuant to N.J.S.A. 34:7-6 of, the Act on Licensing of Operating Engineers and Firemen and N.J.S.A. 34:7-14 et seq., and the issuing of penalties pursuant to N.J.S.A. 34:7-26 of, the Act on Inspection of Boilers, Pressure Vessels and Refrigeration Systems;
 - i. In accordance with N.J.S.A. 34:7-6 any person who shall violate any of the provisions of the Act on Licensing of Operating Engineers and Firemen shall be liable to a penalty of not less than \$500.00 nor more than \$ 5,000 per day for each violation.
 - ii. In accordance with N.J.S.A. 34:7-26, any owner, lessee, seller or operator of any steam or hot water boiler or similar equipment specified in N.J.S.A. 34:7-14, pressure vessel or refrigeration system who shall sell, use, cause or allow to be used such steam or hot water boiler or similar equipment specified in N.J.S.A. 34:7-14, shall be liable to a penalty of not less than \$500.00 nor more than \$10,000 for each first offense and not less than \$500.00 nor more than \$25,000 for each subsequent offense, to be collected by a civil action, or at the Commissioner's discretion;

The following compliance and resolution statements regarding the equipment require you to take appropriate action. This could mean that the equipment might have to be replaced, restored or repaired back to the original equipment manufacturer's specifications (OEM). Under no circumstances shall corrective action taken be less than what is required by the OEM and the Codes and Standards adopted by reference under the provisions of N.J.A.C. 12:90.

COMPLIANCE AND RESOLUTION

The violations listed on the attached Exhibit "A" Violation Report must be remediated within 15-days receipt of this Order. Once repairs are performed, you must notify the MIBBPVC and your inspector in order to revisit your location to verify compliance. A reinspection fee shall be paid in accordance with N.J.A.C. 12:90-4.13(d)

You have the right to appeal matters by requesting an administrative hearing or if determined by the Commissioner a settlement conference. All requests must be in writing and postmarked within fifteen (15) days from receipt of this "ORDER". If you so desire, legal counsel may represent you in all matters.

A request for a hearing, settlement conference, questions and payment of fees should be addressed to:

New Jersey Department of Labor and Workforce Development
Labor Standards and Safety Enforcement
Division of Public Safety and Occupational Safety and Health
Mechanical Inspection Bureau of Boiler & Pressure Vessel Compliance
1 John Fitch Way, 3rd Floor
P.O. Box 392
Trenton, New Jersey 08625-0392
Voice: (609) 292-2921
Fax: (609) 984-1577

In accordance with the rules promulgated under the Administrative Procedures Act (N.J.S.A 52:14B-1 et seq. and 52:14F-1 et seq.), an appeal request must describe in detail the decision, action or specific fees and/or penalties you wish to appeal and the reasons forming the basis for your dispute, in order that a decision may be made as to whether your appeal constitutes a contested case.

You are advised that only matters deemed CONTESTED CASES, as defined by the Administrative Procedures Act, will be scheduled for hearings. If a hearing is scheduled, you will be notified in advance of the time and place.

For the Commissioner by: Michael D. Arunzie
Acting Chief, MIBBPVC

March 17, 2023

Date

Enclosure: Exhibit "A" Open Violation Detail Report
Invoice # 203061

CC:

EXHIBIT "A"

Location Name: Township Of Berkeley Heights

Location #: 1199319

Description: NJ052837-07H - Boiler - HB Smith - Main Bldg - 1981 - Active

Date	Type	
03/09/2023	BPV	CONDITION: No licensed person at the location at the time of inspection REQUIREMENT: Must provide a licensed person as required by the State Law/Regulation. http://www.nj.gov/labor/lssc/laws/boiler_law.html
03/09/2023	BPV	CONDITION: No Logbook to record activities REQUIREMENT: A logbook must be provided and maintained as required by the State Law/Regulation. http://www.nj.gov/labor/lssc/laws/boiler_law.html
03/09/2023	BPV	CONDITION: Number of Licensed Persons at the location is inadequate REQUIREMENT: Additional Operator(s) with appropriate License(s) required in accordance with the State Law/Regulation. http://www.nj.gov/labor/lssc/laws/boiler_law.html

Description: NJ052838-07H - Boiler - HB Smith - Main Bldg - 1981 - Active

Date	Type	
03/09/2023	BPV	CONDITION: No licensed person at the location at the time of inspection REQUIREMENT: Must provide a licensed person as required by the State Law/Regulation. http://www.nj.gov/labor/lssc/laws/boiler_law.html
03/09/2023	BPV	CONDITION: No Logbook to record activities REQUIREMENT: A logbook must be provided and maintained as required by the State Law/Regulation. http://www.nj.gov/labor/lssc/laws/boiler_law.html
03/09/2023	BPV	CONDITION: Number of Licensed Persons at the location is inadequate REQUIREMENT: Additional Operator(s) with appropriate License(s) required in accordance with the State Law/Regulation. http://www.nj.gov/labor/lssc/laws/boiler_law.html

Description: NJ052839-07H - Boiler - HB Smith - Sludge Bldg - 1981 - Active

Date	Type	
03/09/2023	BPV	CONDITION: No licensed person at the location at the time of inspection REQUIREMENT: Must provide a licensed person as required by the State Law/Regulation. http://www.nj.gov/labor/lssc/laws/boiler_law.html
03/09/2023	BPV	CONDITION: No Logbook to record activities REQUIREMENT: A logbook must be provided and maintained as required by the State Law/Regulation. http://www.nj.gov/labor/lssc/laws/boiler_law.html
03/09/2023	BPV	CONDITION: Number of Licensed Persons at the location is inadequate REQUIREMENT: Additional Operator(s) with appropriate License(s) required in accordance with the State Law/Regulation. http://www.nj.gov/labor/lssc/laws/boiler_law.html

Description: NJ052840-07H - Boiler - HB Smith - Sludge Bldg - 1981 - Active

Date	Type	
03/09/2023	BPV	CONDITION: No licensed person at the location at the time of inspection REQUIREMENT: Must provide a licensed person as required by the State Law/Regulation. http://www.nj.gov/labor/lssc/laws/boiler_law.html
03/09/2023	BPV	CONDITION: No Logbook to record activities REQUIREMENT: A logbook must be provided and maintained as required by the State Law/Regulation. http://www.nj.gov/labor/lssc/laws/boiler_law.html

03/09/2023 BPV CONDITION: Number of Licensed Persons at the location is inadequate

REQUIREMENT: Additional Operator(s) with appropriate License(s) required in accordance with the State Law/Regulation. http://www.nj.gov/labor/lssr/laws/boiler_law.html



STATE OF NEW JERSEY
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF PUBLIC SAFETY AND OCCUPATIONAL SAFETY & HEALTH
BUREAU OF BOILER AND PRESSURE VESSEL COMPLIANCE
P.O. BOX 392
TRENTON, NJ 08625-0392

Notice to Pay Fee(s)

ATTN: Tom McAndrew
Township Of Berkeley Heights
29 Snyder Ave
Berkeley Heights, NJ 07922-1135

Pay This Amount \$2,000.00

INVOICE NUMBER: 203061
INVOICE DATE: 03/13/2023

Refer to the attached "NJ Statutes for Inspection Fee and Penalty Assessments" for payment guidelines and penalty provisions.
Payment must be made in the form of a certified check or money order.

DATE	FEE	DESCRIPTION	LOCATION	AMOUNT
3/13/2023	1st Offense Boiler and Refrigeration Operator License Penalty-PSL	1st Offense Boiler and Refrigeration Operator License Penalty-PSL - BPVC-1199319-00	Township Of Berkeley Heights, 29 Snyder Ave, Berkeley Heights	\$2,000.00

Commissioner of Labor and
Workforce Development by:

Michael O. Amuzie, Acting Chief
Bureau of Boiler and Pressure Vessel Compliance

Please include invoice number or remittance form with payment.

STATE OF NEW JERSEY
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF PUBLIC SAFETY AND OCCUPATIONAL SAFETY & HEALTH
BUREAU OF BOILER AND PRESSURE VESSEL COMPLIANCE
P.O. BOX 392
TRENTON, NJ 08625-0392

REMITTANCE FORM

INVOICE NUMBER: 203061
INVOICE DATE: 03/13/2023

Pay This Amount \$2,000.00

AMOUNT RECEIVED	RECEIVED BY	DATE
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PLEASE RETURN THIS PORTION WITH YOUR CERTIFIED CHECK OR MONEY ORDER. BE CERTAIN TO INCLUDE THE INVOICE NUMBER ON THE CHECK.

**NJ STATUTES FOR
INSPECTION FEE AND PENALTY ASSESSMENTS**

INSPECTION FEES:

In accordance with N.J.S.A. 34:7-15(a) and N.J.S.A. 34:7-19 and the regulations promulgated as N.J.A.C. 12:90-4.13 an inspection fee must be paid to the Commissioner of Labor. Inspection Fees indicated on the invoice must be made payable to the Commissioner of Labor and must be mailed to the address indicated on the invoice. Payment must be in the form of a check or money order.

CERTIFICATE REPLACEMENT FEES:

Whenever a boiler or refrigeration certificate of inspection is lost or damaged, a replacement certificate must be requested by the owner. The required certificate replacement fee for boiler is \$16.00 and refrigeration is \$15.00. During an inspection if an inspector verifies that the location does not have a current certificate posted, the owner must request a replacement from the Bureau of Boiler & Pressure Vessel Compliance (BB&PVC). The required fee must be made payable to the Commissioner of Labor and mailed to the address indicated.

PENALTY FEES:

Overdue Inspection Fees:

PLEASE BE ADVISED THAT IF AN INSPECTION PAYMENT IS NOT RECEIVED BY THE BB&PVC WITHIN 30 DAYS FROM THE RECEIPT OF INVOICE, THE BB&PVC SHALL THEN ASSESS A PENALTY IN ACCORDANCE WITH N.J.S.A. 34:7-26 AND SHALL FILE A DOCKETED JUDGMENT WITH THE SUPERIOR COURT OF NEW JERSEY, IF PAYMENT IS NOT MADE WITHIN THE 30 DAY PERIOD. THE MINIMUM PENALTY FOR SUCH A VIOLATION IS \$500 AND THE MAXIMUM IS \$10,000.

Boiler and Refrigeration Operator License Violations:

Pursuant to N.J.S.A. 34:7-1, N.J.S.A. 34:7-4, and N.J.S.A. 34:7-5, operators are required to obtain the appropriate license whenever they are operating such equipment that meets the licensing requirements. Additionally, the Bureau of Boiler and Pressure Vessel Compliance (BB&PVC) may assess a penalty in accordance with N.J.S.A. 34:7-6 if such license is not produced upon request. Penalty fees indicated on the invoice must be made payable to the Commissioner of Labor and must be mailed to the address indicated on the invoice. Payment must be in the form of a check or money order.

PLEASE BE ADVISED THAT IF THE PENALTY PAYMENT IS NOT RECEIVED BY THE BB&PVC WITHIN 30 DAYS FROM THE RECEIPT OF THIS NOTICE, THE BB&PVC SHALL FILE A DOCKETED JUDGMENT WITH THE SUPERIOR COURT OF NEW JERSEY. THE MINIMUM PENALTY FOR SUCH A VIOLATION IS \$500 AND THE MAXIMUM IS \$5,000 PER DAY FOR EACH VIOLATION.

Boiler, Pressure Vessel, and Refrigeration Systems Violations:

Boiler, Pressure Vessels, and Refrigeration Systems with reported violations must be abated within 60 days of Violation Notices sent. Additionally, the Bureau may assess a penalty in accordance with N.J.S.A. 34:7-26 if the violation has not been abated. Therefore, the amount indicated on the invoice must be made payable to the Commissioner of Labor and must be mailed to the address indicated on the invoice. Payment must be in the form of a check or money order.

PLEASE BE ADVISED THAT IF THE PENALTY PAYMENT IS NOT RECEIVED BY THE BB&PVC WITHIN 30 DAYS FROM THE RECEIPT OF THIS NOTICE, THE BB&PVC SHALL IN ACCORDANCE WITH N.J.S.A. 34:7-26 FILE A DOCKETED JUDGMENT WITH THE SUPERIOR COURT OF NEW JERSEY. THE MINIMUM PENALTY FOR SUCH A VIOLATION IS \$500 UP TO A MAXIMUM OF \$10,000 FOR EACH FIRST OFFENSE AND NOT LESS THAN \$500 NOR MORE THAN \$25,000 FOR EACH SUBSEQUENT OFFENSE.

APPEAL PROCESS:

You have the right to appeal matters by requesting an administrative hearing or if determined by the Commissioner of Labor a settlement conference. All requests must be in writing and be postmarked within 15 days from receipt of invoice. If you so desire, legal counsel may represent you. The request for a hearing, settlement conference, or questions should be addressed to:

Department of Labor and Workforce Development
Division of Public Safety and Occupational Safety & Health
Bureau of Boiler and Pressure Vessel Compliance
P.O. Box 392
Trenton, NJ 08625-0392
Telephone No. (609) 292-2921
Fax No. (609) 984-1577
Email: BPVRCompliance@dol.state.nj.us

In accordance with the rules promulgated under the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq.), an appeal request must describe in detail the decision, action, or specific fees and/or penalties you wish to appeal and the reasons forming the basis for your dispute, in order that a decision may be made as to whether your appeal constitutes a contested case.

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To:
Tom McAndrew
Township Of Berkeley Heights
29 Snyder Ave
Berkeley Heights, NJ 07922-1135
Inspection Site:

Print Date: March 17, 2023
Case No./ID: BPVC-1199319-00
Issuance Date: March 17, 2023
Comply By Date: April 16, 2023

Township Of Berkeley Heights
29 Snyder Ave
Berkeley Heights, NJ 07922-1135

SUMMARY

An inspection was conducted by the Bureau of Boiler and Pressure Vessel Compliance (BB&PVC) for compliance with the boiler and refrigeration laws and regulations at your business, located at 29 Snyder Ave, Berkeley Heights NJ 07922-1135.

CITATIONS

N.J.A.C. 12:90-9.1 Violations

(a) This subchapter shall apply to:

1. Findings of violations of N.J.S.A. 34:7-1 et seq., and the issuing of penalties pursuant to N.J.S.A. 34:7-6 of, the Act on Licensing of Operating Engineers and Firemen and N.J.S.A. 34:7-14 et seq., and the issuing of penalties pursuant to N.J.S.A. 34:7-26 of, the Act on Inspection of Boilers, Pressure Vessels and Refrigeration Systems;
 - i. In accordance with N.J.S.A. 34:7-6 any person who shall violate any of the provisions of the Act on Licensing of Operating Engineers and Firemen shall be liable to a penalty of not less than \$500.00 nor more than \$ 5,000 per day for each violation.
 - ii. In accordance with N.J.S.A. 34:7-26, any owner, lessee, seller or operator of any steam or hot water boiler or similar equipment specified in N.J.S.A. 34:7-14, pressure vessel or refrigeration system who shall sell, use, cause or allow to be used such steam or hot water boiler or similar equipment specified in N.J.S.A. 34:7-14, shall be liable to a penalty of not less than \$500.00 nor more than \$10,000 for each first offense and not less than \$500.00 nor more than \$25,000 for each subsequent offense, to be collected by a civil action, or at the Commissioner's discretion;

The following compliance and resolution statements regarding the equipment require you to take appropriate action. This could mean that the equipment might have to be replaced, restored or repaired back to the original equipment manufacturer's specifications (OEM). Under no circumstances shall corrective action taken be less than what is required by the OEM and the Codes and Standards adopted by reference under the provisions of N.J.A.C. 12:90.

COMPLIANCE AND RESOLUTION

The violations listed on the attached Exhibit "A" Violation Report must be remediated within 15-days receipt of this Order. Once repairs are performed, you must notify the MIBBPVC and your inspector in order to revisit your location to verify compliance. A reinspection fee shall be paid in accordance with N.J.A.C. 12:90-4.13(d)

You have the right to appeal matters by requesting an administrative hearing or if determined by the Commissioner a settlement conference. All requests must be in writing and postmarked within fifteen (15) days from receipt of this "ORDER". If you so desire, legal counsel may represent you in all matters.

A request for a hearing, settlement conference, questions and payment of fees should be addressed to:

New Jersey Department of Labor and Workforce Development
Labor Standards and Safety Enforcement
Division of Public Safety and Occupational Safety and Health
Mechanical Inspection Bureau of Boiler & Pressure Vessel Compliance
1 John Fitch Way, 3rd Floor
P.O. Box 392
Trenton, New Jersey 08625-0392
Voice: (609) 292-2921
Fax: (609) 984-1577

In accordance with the rules promulgated under the Administrative Procedures Act (N.J.S.A 52:14B-1 et seq. and 52:14F-1 et seq.), an appeal request must describe in detail the decision, action or specific fees and/or penalties you wish to appeal and the reasons forming the basis for your dispute, in order that a decision may be made as to whether your appeal constitutes a contested case.

You are advised that only matters deemed CONTESTED CASES, as defined by the Administrative Procedures Act, will be scheduled for hearings. If a hearing is scheduled, you will be notified in advance of the time and place.

For the Commissioner by:

Michael P. Arunz
Acting Chief, MIBBPVC

March 17, 2023

Date

VIOLATION TYPE: Boiler, Pressure Vessel and Refrigerations Systems Violation(s)

On 06/06/2024 , an inspection of equipment(s) at your location indicated above was performed and a violation(s) was found and reported to the State of New Jersey. Take *NOTICE* that the report submitted details the equipment(s) associated violation(s) that exists.

You are hereby *ORDERED* to abate the violation(s) on or before the Comply By date shown below. Pursuant to N.J.S.A 34:7-6/34:7-26, penalties may be assessed. Refer to the attached "NJ Statutes for Violations and Penalty Assessments" for violation laws and penalty provisions.

Please date and sign this notice and return to the above address when these violation(s) are abated.

I certify that the changes referred to below have been complied with. I hereby request that the Certificate of Inspection be sent to me now.

Signed: _____ Dated: _____

Print Name: _____ Title: _____

New Jersey Number	Former NJ Number	Violation Date	Comply By	Inspector
NJ052838-07H	82-2869-H	06/06/2024	06/06/2025	William Renz

Condition:

The Boiler was found leaking during this inspection

Requirement:

Leakage was found & it must be repaired / replaced in accordance with NBIC Code Requirements, Boiler Manufacturer Specifications & State Law/Regulation. http://www.nj.gov/labor/lasse/laws/boiler_law.html