

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHILIP D. MURPHY WATER RESOURCE MANAGEMENT

DIVISION OF WATER ENFORCEMENT

NORTHERN REGION

7 Ridgedale Avenue

Cedar Knolls, New Jersey 07927

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SHAWN M. LATOURETTE

Commissioner

Governor

TAHESHA L. WAY

Lt. Governor

CERTIFIED MAIL / RRR

7022 2410 0003 3283 2544 April 4, 2024

Honorable Angie Devanney, Mayor
Berkeley Heights Township
29 Park Avenue
Berkeley Heights, NJ 07922

RE: Compliance Evaluation and Assistance Inspection
Berkeley Heights Water Pollution Control Facility
PROGRAM INTEREST ID # 46122
NJDPES No. NJ0027961 — Discharge to Surface Water (DSW)
PROGRAM: Water Quality
Compliance Activity # SCI 240003
Berkeley Heights Township / Union County

Dear Mayor Devanney:

A Compliance Evaluation Inspection of the Berkeley Heights Water Pollution Control Facility ("BHWPCF") was conducted by representatives of this Bureau on January 31 and February 5, 2024. A copy of the completed inspection report is enclosed for your information.

The Department noted the following deficiencies regarding your NJPDES Discharge to Surface Water Permit:

1. A review of DMR forms and supporting laboratory data indicates the following effluent violations occurred between February 2022 and January 2024 at your DSN 001 outfall:

Parameter	Effluent Limitation	Lab Analysis	% Excursion
February 2022			
Ammonia	3 mg/1 Week Avg	8.78 m/1	192%
Ammonia	2 mg/1 Mon Avg	6.24 mg/1	212% *
Ammonia	35 kg/day Week Avg	90.6 kg/day	159%
Ammonia	23 kg/day Mon Avg	55.8 kg/day	142% *

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Parameter	Effluent Limitation	Lab Analysis	% Excursion
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August 2022

Nitrogen, Nitrate	27.1 mg/1 Daily Max	29 mg/1	7%
Nitrogen, Nitrate	23.1 mg/1 Mon Avg	24.14 mg/1	5%

December 2022

Ecoli	123 col/100m1 Geo Mean	155 col/100 ml	26%
Phosphorus	0.76 mg/1 Mon Avg.	1.2 mg/1	58% *
Nitrogen, Nitrate	317 kg/day Daily Max	366 kg/day	15%

January 2023

January 2023

Phosphorus	0.76 mg/1 Mon Avg.	1.0 mg/1	32%
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February 2023

Ammonia N	2.0 mg/1 Mon Avg	2.4 mg/1	20%
Ammonia N	3.0 mg/1 Week Avg	3.2 mg/1	7%

June 2023

Nitrate N	27.1 mg/1 Daily Max	28.2 mg/1	4%
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* The Serious effluent violations above will result in the issuance of a mandatory penalty by the Department. You will be contacted soon to discuss settlement options. See the attached Notice of Violation ("NOV").

2. Due to heavy rain, representatives of BHWPCF notified the NJDEP Hotline of two instances in which flow entering the plant was so elevated, the primary settling tank overflowed partially treated sewerage to the ground, entering a nearby storm drain to the Passaic River. See the attached NOV.
 - a. On December 18, 2023, BHWPCF employees reported that the overflow started at 0700 and continued until 1500 at a rate of approximately 25 gallons per minute. NJDEP Hotline case #23-12-18-1539-39.
 - b. On January 10, 2024, BHWPCF employees reported that the overflow started at 0030 and continued until 0230 at a rate of approximately 10 gallons per minute. NJDEP Hotline case #24-01-10-1435-26.

The Department attributes each of the above overflows to BHWPCF's failure to control Inflow and Infiltration ("I&I") into its sewerage collection system. On March 7, 2024 an inspection report and NOV were issued to BHWPCF for this issue.

3. The Department conducted an exhausting review of DMRs and supporting laboratory data from February 2022 to January 2024. BHWPCF reported the following instances of inaccurate data on DMRs in violation of its NJPDES Permit:

Monitoring Period	Parameter	Reported by BHWPCF	Correct Value
February 2022	Ammonia Week Avg	1.33 mg/1	8.78 mg/1
February 2022	Ammonia Mon Avg	0.69 mg/1	6.24 mg/1
February 2022	Ammonia Week Avg	8.33 kg/day	90.6 kg/day
February 2022	Ammonia Mon Avg	4.54 kg/day	55.8 kg/day
February 2022	Ecoli Instant Max	47 col/100m1	32.7 col/100m1
February 2022	Ecoli Mon Geo Avg	16 col/100m1	12.2 col/100m1
March 2022	TSS Week Avg	125 mg/1	15.7 mg/1
May 2022	TSS Week Avg	15 mg/1	24 mg/1
May 2022	TSS Mon Avg	9.5 mg/1	16.4 mg/1
May 2022	TSS Week Avg.	113.9 kg/day	197 kg/day
May 2022	Ecoli Mon Geo Avg.	12 col/100m1	18.8 col/100m1
May 2022	CBOD Week Avg	27 mg/1	5.3 mg/1
May 2022	Phosphorus Week Avg	.701 mg/1	.67 mg/1
May 2022	Phosphorus Week Avg	2.07 kg/day	5.92 kg/day
June 2022	TSS Weekly Avg.	35 mg/1	21.7 mg/1
June 2022	Ecoli Inst Max	124 col/100 ml	488 col/100 ml
September 2022	Ecoli Mon Geo Avg	71 col/100 ml	86.4 col/100 ml
October 2022	pH Inst Max	771 SU	7.71 SU

October 2022	pH Inst Max	7.7150	7.7150
December 2022	TSS Week Avg	32 mg/1	28 mg/1
December 2022	Ammonia Week Avg	3.8 mg/1	1.8 mg/1
December 2022	Ammonia Week Avg	4.7 kg/day	25 kg/day
December 2022	Ammonia Mon Avg	2.4 kg/day	8 kg/day
December 2022	Phosphorus Week Avg	1.6 mg/1	1.3 mg/1
December 2022	Nitrogen, N Mon Avg	51 kg/day	176• kg/day +
December 2022	TSS Mon Avg	62 kg/day	223 kg/day +
December 2022	TSS Weekly Avg	107 kg/day	378 kg/day
January 2023	Ecoli Instant Max	127 col/100 ml	304 col/100 ml
January 2023	Phosphorus Mon Avg	1 kg/day	3 kg/day +
January 2023	Phosphorus Week Avg	2.19 kg/day	12 kg/day +
January 2023	TSS Mon Avg	28 kg/day	145 kg/day +
January 2023	TSS Week Avg	37 kg/day	205 kg/day +
January 2023	Ammonia Weekly Avg	1.02 mg/1	2 mg/1
January 2023	Ammonia. Monthly Avg	1 kg/day	3 kg/day +

Monitoring Period	Parameter	Reported by BHWPCF	Correct Value
January 2023	Ammonia Weekly Avg	1 kg/day	9 kg/day +
January 2023	BOD Monthly Avg	3.9 kg/day	20 kg/day +
January 2023	BOD Weekly Avg	5.1 kg/day	34 kg/day +

February 2023	Ammonia Week Avg	4.4 mg/1	3.22 mg/1
February 2023	Dissolved 02 Week Avg	5.5 mg/1	6.9 mg/1
April 2023	Dissolved 02 Week Avg	5.0 mg/1	7.5 mg/1
May 2023	Nitrate N Daily Max	25.8 mg/1	28 mg/1
June 2023	Nitrate N Daily Max	27.4 mg/1	28.2 mg/1
August 2023	Phosphorus Week Avg.	0.69 mg/1	0.34 mg/1
August 2023	Phosphorus Monthly Avg	0.56 mg/1	0.28 mg/1
December 2023	Phosphorus Week Avg.	.57 mg/1	.437 mg/1
January 2024	Ammonia Weekly Avg.	4.8 mg/1	3.23 mg/1
January 2024	Ammonia Weekly Avg	44 kg/day	22 kg/day

The data above followed with a "+" symbol was corrected by BHWPCF on March 6, 2024.

See the NJDEP DMR Instruction Manual

(https://www.state.nj.us/dep/dwq/pdf/MRF_Manual.pdf).

.BHWPCF is hereby REQUIRED, within 15 days of receipt of this report, to correct each of the parameters listed above on each, perspective DMR. BHWPCF is also REQUIRED, especially between February 2022 and January 2023, to carefully review its data for other potential reporting inaccuracies. BHWPCF is further REQUIRED to carefully report accurate data to the Department on DMRs moving forward. See the attached NOV.

4. Frequency of Analysis column of DMR does not represent the number of samples collected by BHWPCF during each monthly monitoring period. In most months, BHWPCF collected many more samples than were required by Part III of the Permit. BHWPCF is hereby REQUIRED, within 15 days of receipt of this report, to correct the values reported in the Frequency of Analysis columns for each parameter on each perspective DMR between February 2022 and January 2024. The online comment section of each DMR can be used to further describe the data entered. See the DMR Instruction Manual for more details.

5. In accordance with your NJPDES Permit, BHWPCF must submit DMRs to the Department within 25 days following the end of each monthly reporting period. The following DMRs were submitted late in 2022:

<u>Month</u>	<u>Due Date</u>	<u>Date Submitted</u>
February	March 15	May 2
March	April 25	July 27
April	May. 25	July 24
May	June 25	July 25
June	July 25	October 24
July	August 25	November 13
August	September 25	November 13
September	October 25	November 19
October	November 25	December 30
November	December 25	December 30

BHWPCF is hereby REQUIRED to submit all future DMRs and MRFs in a timely manner in 'accordance with your Permit.

6. During the November 2022, through April 2023 monitoring period, BHWPCF failed to provide results for all the semi-annual parameters required to be analyzed in accordance with Part III of the Permit. Approximately 40 samples were not analyzed and entered as "Code=N" on the DMRs. On May 12, 2023 Garden State Laboratories provided BHWPCF with a letter admitting

DMRS. On May 12, 2023 Garden State Laboratories provided BHWPCF with a letter admitting that the analytical failure was due to an internal error.

To satisfy this deficiency, BHWPCF shall do the following:

- a. Within 15 days of receipt of this report, BHWPCF shall correct and resubmit the WCR in question and. change the "Code=N" entries to blank spaces.
- b. To make up for those samples not collected, BHWPCF shall collect those samples twice in the upcoming semi-annual monitoring period (in different months) and report that data to the Department on your WCR forms.

Note that you may also review your inspection report as well as many other DEP reports online at www.nj.gov/dep/inspections. This website also gives you the opportunity to provide us feedback about our operations. We would appreciate your input and will share all results with you upon your completion of a survey.

The deficiencies noted herein have placed your facility in violation of the terms and conditions of y-our NJPDES permit and/or the New Jersey Water Pollution Control Regulations (N.J.A.C. 7:14A-1 et seq.). You are therefore REQUIRED to institute corrective measures. A written report concerning specific details of remedial measures to be instituted, as well as an implementation timetable, must be submitted to this Department, within thirty (30) calendar days of the date of this correspondence.

Please direct all correspondence and inquiries to this writer, who can be reached at 609-439-6422, by letter through this Office, or at Andrew.Coleman@dep.nj.gov.

Sincerely

Andrew Coleman
Environmental Specialist
III

C: Alan Kennedy, Wastewater Treatment Director, 29 Park Avenue, Berkley Heights, NJ 07922

enclosure

**Compliance Evaluation Summary and Checklist with Included flag
sorted by PI**

Date Printed: 3/21/2024

Activity:

Start Date/Time:

Title Description:

SCI 240003 *Standard Compliance Inspection (46122) Berk Hts
FY24 DSW CEI

01/31/2024

End Date/Time:

Program Interest:

BERKELEY HEIGHTS WPCF
46122 (NJPDES)
29 SNYDER AVE,
BERKELEY HEIGHTS TWP, UNION
COUNTY

29 PARK AVE Berkeley Heights NJ
07922

Responsibility Entity(s) **Program Interests included in Inspection:**

Berkeley Heights Twp 46122 (Njpdcs)

Block(s) and Lot(s): Block 208 Lot 40

Lead Investigator

Other Investigators

Persons Interviewed

Witnesses

Coleman, Andrew

Alan Kennedy, Director of Water Treatment & Licensed Operator, Phone #848-247-0768.
Robert Fischer, PS&S, cell #732-620-1007
Linda Palumbo (via email), Admin Assistant to DPW, BOH & Sewer, Phone #908-464-2700
x216

General Comments

1. On 2/6/24 Mr. Kennedy notified the Department via email that it was moving its sampling location back 15' from the Passaic River to reduce the likelihood of any contamination. Furthermore, Engineers are examining options to install check valves on the outfall pipes to prevent river contamination. The Department finds this decision acceptable.
2. BHWPCF is planning to upgrade its sand filters with disk filtration, construct a building for paracetic acid addition, and a building for MicroC and Magnesium Hydroxide pumps. TWA approved, awaiting funding from I Bank.

Inspection Attribute(s):	Quantity(s)
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Number of Attributes: 0

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
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ND - Compliance Not Determined

NC - No Obvious Concern

ON - Out of Compliance, Non-referred

NA- Not Applicable

PV- Potential Violation

OC - Out of Compliance

DC - Data Collection

S - Sub-Heading

H - Heading Inspected

NI - Not

IC - In Compliance

RTC - Return to

N - No

Y - Yes

46122 GDR 0 - General Discharge Requirements

46122 GDR 0 - General Discharge Requirements

NA - Not Applicable	IC - In Compliance	ND - Compliance Not Determined	H - Heading	NI - Not
N - No Obvious Concern	ON - Out of Compliance	OC - Out of Collection	DC - Data	S - Sub-
P - Potential	Y - Yes		RTC - Return to Compliance	

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Are all MRFs certified by the highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility? . [N.J.A.C, 7:14A- 6.9(a)]	IC		DSW 220001 25 T
Are all violations reported to the Department as required in N.J.A.C. 7:14A-6.10?. [N.J.A.C, 7:14A- 6.10]	IC	Since January 2023 the Permittee has been properly notifying the	DSW 220001 13 T

		Department of violations.	
Does the facility employ a licensed operator who holds the appropriate classification of license to operate the treatment works?. [N.J.A.C. 7:10A- 1.1]	IC	Alan Kennedy, S3 licensed operator.	DSW 220001 41 T
Does the permittee have any discharges not authorized by a valid permit?. [N.J.A.C. 7:14A- 6.2(a)1]	OC	Unpermitted overflow from Primary clarifier during heavy rain events in January and December. Due to uncontrolled I&I. See the cover letter for details.	DSW 220001 45 T
Has the permittee notified the Department's Examination and Licensing Unit of any changes in licensed operator status?. [N.J.A.C. 7:10A- 1.1]	IC	Alan became operator of record in January 2023.	DSW 220001 43 T
OPERATOR CERTIFICATION.	S		DSW 220001 40 T
Permit conditions remain in effect and enforceable until and unless the permit is modified, renewed or revoked by the Department. [N.J.A.C. 7:14A- 6.5(b)]	IC		DSW 220001 10 T
Scope	S		DSW 220001 7 T
Standard Reporting Requirements - Electronic Submission of NJPDES Information.	S		DSW 220001 30 T
The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to enter upon a person's premises, for purposes of inspection, and to access / copy any records that must be kept under the conditions of this permit. [N.J.A.C. 7:14A- 2.11(e)]	IC	Permittee is cooperative.	DSW 220001 19 T

46122 GDR 0 - General Discharge Requirements

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Did the permittee complete monitoring reports in accordance with the current Discharge Monitoring Report Manual and any updates?. [N.J.A.C. 7:14A- 6.8(a)]	OC	Failure to complete monitoring reports in accordance with the current Discharge Monitoring Report Manual and any updates. A large number of reporting errors submitted. See cover letter for details.	DSW 220001 27 T
Were MRFs submitted at the frequencies identified in Part III of this permit?. [N.J.A.C. 7:14A- 6.5(b)3]	OC	Failure to submit MRFs at the frequency specified in PART III. Almost every DMR in 2002 was submitted late. See the cover letter.	DSW 220001 24 T

46122 A 0 - Sanitary Wastewater (IP)

NA - Not Applicable
 OC - Out of Compliance
 DC - Data Collection
 IC - In-Compliance
 S - Sub-Heading
 ND - Compliance Not Determined
 RTC - Return to Compliance
 H - Heading
 NI - Not
 NC - No Obvious Concern
 ON - Out of Compliance, Non-referred

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Were all analyses performed by a New Jersey Certified Laboratory? Indicate lab	IC	Daily samples & DO by BHWPCF cert #20393	DSW 220001 3

Jersey Certified Laboratory. Indicate lab name(s). [N.J.A.C. 7:14A- 6.5(a)2]		Dr. W. Or, cert #20000. Bioassay by American Aquatics cert #PA682. Remainder of samples by Garden State Labs, cert 20044.	8 T
Were analyses of wastewater performed in accordance with the appropriate analytical test procedures? . [N.J.A.C. 7:14A- 6.5(a)2]	IC		DSW 220001 4 T

Was sampling conducted in accordance with the Field Sampling Procedures Manual or other Department approved method?. [N.J.A.C. 7:14A- 6.5(b)4]	NI	Sampling not witnessed by DEP.	DSW 220001 7 T
Was all monitoring conducted in accordance with Part III of the Permit?. [N.J.A.C. 7:14A- 6.5(b)]	IC	Facility monitored most parameters 2x as frequently as required.	DSW 220001 9 T
If the Permittee took additional samples above the minimum specified in the permit, were all of the results reported on the Monitoring Report Forms?. [N.J.A.C. 7:14A- 6.8(e)]	OC	Failure to enter increased monitoring in the Frequency of Analysis column of DMR reports. Furthermore, the results of some samples analyzed prior to January 2023 were not properly reported on DMRs. See the cover letter for additional details.	DSW 220001 10 T

46122 A 0 - Sanitary Wastewater (IP)

Requirement	Status RTC	Results or Comments	Req Source Ref # Req. Type
Were WCR samples collected at the same time as the Whole Effluent Toxicity samples?. [N.J.A.C. 7:14A- 6.5(b)2]	IC		DSW 220001 12 T
Are all influent, effluent, and sludge samples for toxic pollutant analyses collected concurrently?. [N.J.A.C. 7:14A- 6.5(b)3]	IC		DSW 220001 13 T
Was flow measured in accordance with the Permit?. [N.J.A.C. 7:14A- 6.5(a)1]	IC	Last calibrated by Rapid Pump & Meter in September 2023.	DSW 220001 14 T
RECORDKEEPING	H		DSW 220001 15 T
Does the permittee appropriately retain monitoring records? . [N.J.A.C. 7:14A- 6.6(a)]	IC	Records on site and available.	DSW 220001 17 T
DISCHARGE REQUIREMENTS.	S		DSW 220001 38 T
Did the permittee discharge only at the authorized location(s)?. [N.J.A.C. 7:14A-13.16(a) 1]	IC		DSW 220001 39 T
Was there a discharge of or evidence of foam in the receiving stream?. [N.J.A.C. 7:14A-12.6(a)]	IC	Discharge appeared clear.	DSW 220001 40 T
Was there a discharge of objectionable color or odor in the receiving stream? . [N.J.A.C. 7:14A-12.6(a)3]	IC	Discharge appeared clear.	DSW 220001 41 T

Did the discharge exhibit a visible sheen? . [N.J.A.C. 7:14A-12.8(c)]	IC	Discharge appeared clear.	DSW 220001 42 T
Did the permittee develop a Capacity Assurance	IC	Flow under 80% during	DSW 220001

Program if its flow reached or exceeded 80% of the committed flow?. [N.J.A.C. 7:14A-22.16(a)]		dry weather.	44 T
For the calculation of the parameter "CAP Threshold" in Part III of the permit, the permittee shall use the permitted flow of 3.1 MGD and the 12-month rolling average flow calculated for the parameter of "Flow, In Conduit or Thru Treatment Plant" in the calculation of the percentage of the permitted flow for the month. This percentage shall be reported as the CAP Threshold percentage.	DC	Permittee reminder.	DSW 220001 46 T
OPERATION, MAINTENANCE, AND EMERGENCY CONDITIONS.	S		DSW 220001 67 T

46122 A 0 - Sanitary Wastewater (IP)

NA - Not Applicable
 N - Potential
 OC - Out of Compliance
 IC - Incomplete
 DC - Data Collection
 S - Sub-Heading
 ND - Compliance Not Determined
 RTC - Return to Compliance
 H - Heading
 NI - Not
 NC - No Obvious Concern
 ON - Out of Compliance, Non-referred

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
Does the Permittee operate and maintain the treatment works as specified in the O&M Manual?, [N.J.A.C. 7:14A- 6.12(a)]	IC		DSW 220001 68 T
Monitoring for Fecal Coliform shall be a grab sample, taken in accordance with Part III, at least a minimum of once per week taken immediately after disinfection. Fecal coliform shall be monitored immediately after disinfection. [N.J.A.C. 7:14A- 6.2(A)1]	IC		DSW 220001 90 T
Monitoring for Total Nitrogen (NO3 + NH3) shall be a composite sample, taken in accordance with Part III, at least once per week taken prior to RWBR diversion. Total Nitrogen (NO3 + NH3)	IC		DSW 220001 91 T

shall be monitored after the appropriate disinfection treatment is achieved. [N.J.A.C. 7:14A- 6.2(A)11			
Nitrogen, Total (NO ₃ + NH ₃): Daily maximum of 10 mg/L. Frequency of sampling for Total Nitrogen shall be once per week. The sample shall be collected as a composite sample taken prior to diversion for RWBR. Nitrogen, Total (NO ₃ + NH ₃) shall be monitored after the appropriate disinfection treatment time is achieved. This requirement only applies when RWBR is land applied, however, this requirement does not apply to spray irrigation within a fenced perimeter or otherwise restricted area. [N.J.A.C. 7:14A- 6.2(A)1]	IC		DSW 220001 99 T
E. Coli 126 colonies per 100 mL as a geometric mean. Frequency of sampling for E. Coli shall be	IC		DSW 220001 101

four times per month. The sample shall be collected as a grab sample taken immediately after disinfection. [N.J.A.C. 7:14A- 6.2(A)1]			T
Chlorine Produced Oxidants (CPO): For chlorine disinfection, instantaneous minimum of 1.0 mg/L after fifteen minutes contact time at peak hourly flow. Frequency of sampling for CPO shall be twice per day. The sample shall be collected as a grab sample taken immediately after disinfection. The value reported for CPO shall be the minimum sampling result obtained during the reporting month for diverted RWBR. Chlorine Produced Oxidants (CPO) shall be monitored after the appropriate contact time is achieved. [N.J.A.C. 7:14A- 6.2(A)1]	NA	Chlorine has been replaced by paracetic acid. NODI reported for CPDX.	DSW 220001 102 T

46122 A 0 - Sanitary Wastewater (IP)

Requirement	Status RTC	Results or Comments	Reqt Source Ref # Reqt. Type
The Restricted Access--Construction and Maintenance Operations reuse types authorized by this permit are those approved in	IC		DSW 220001 106 T

authorized by this permit are those approved in Appendix B. Other Restricted Access-- Construction and Maintenance Operations reuse types may be added by minor modification of this permit. [N.J.A.C. 7:14A-6.2(A)1]			
E. Coli 126 colonies per 100 mL as a geometric mean, Frequency of sampling for E. Coli shall be four times per month. The sample shall be collected as a grab sample taken immediately after disinfection. This requirement does not apply to sanitary sewer jetting. [N.J.A.C. 7:14A-6.2(A)1]	IC		DSW 220001 108 T
RECLAIMED WATER FOR BENEFICIAL REUSE (RWBR) . [N.J.A.C. 7:14A- 6.2(A)1]	S	No plans for effluent re-use at this time.	DSW 220001 111 T
Did the permittee maintain a cross-connections to potable water system(s) in violation of the Permit?. [N.J.A.C. 7:14A- 6.2(A)1]	IC	Physical Connection Permit No. 0813-WPC230003.	DSW 220001 127 T
Submit a chronic whole effluent toxicity test report within twenty-five days after the end of every semi-annual monitoring period beginning from the effective date of the permit (EDP). [N.J.A.C. 7:14A-13.6(a)]	IC		DSW 220001 166 T
Requirement to Identify and Locate Industrial Users	S		DSW 220001 171 T
Did the Permittee identify all indirect users which meet the significant indirect user definition?. [N.J.A.C. 7:14A-19.3(b)2ii]	IC	One industrial contributor in system - Chemtrade Solutions LLC, On 8/18/20 Chemtrade entered into an agreement with BHWPCF to discharge <25,000 gallons. Flow, pH, TSS, TDS, BOD, O&G, P and Nitrate reported to BHWPCF throughout year.	DSW 220001 172 T
Did the Permittee identify all indirect users which have the reasonable potential to interfere with attainment of the effluent limitations?. [N.J.A.C. 7:14A-19]	IC	Just one - Chemtrade.	DSW 220001 173 T
Did the Permittee submit a Pretreatment Program Report which consists of a listing of all indirect users which meet the significant indirect user definition?. [N.J.A.C. 7:14A-19]	IC		DSW 220001 194 T

IC - In. Compliance ND - Compliance Not Determined N - No NA - Not Applicable PV - Potential Violation H - Heading NI - Not Inspected

Concern Non-referred	
OC - Out of	DC - Data S - Sub RTC - Return to

Y - Yes NC - No Obvious ON - Out of Compliance,

Compliance

Collection

Heading Compliance

Requirement	Status	Results or Comments	Reqd Source
	RTC		Ref # Reqd. Type
The permittee may request a minor modification to eliminate the monitoring requirements associated with a discharge authorized by this permit when the discharge ceases due to changes at the facility. [N.J.A.C. 7:14A-16.5(a)6]	IC		DSW 220001 201 T

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NC - No Obvious Concern ON - Out of Compliance, Non-referred Y - Yes Collection OC - Out of Heading DC - Data Compliance S - Sub- RTC - Return to

PHOTOGRAPHIC DOCUMENTATION

PROGRAM INTEREST: BERKLEY HEIGHTS WATER POLLUTION
CONTROL FACILITY

ADDRESS: 29 SNYDER AVE

TOWN, COUNTY: BERKLEY HTS, UNION COUNTY

ACTIVITY: SCI240003 COMPLIANCE EVALUATION

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHILIP D. MURPHY WATER RESOURCE MANAGEMENT

DIVISION OF WATER ENFORCEMENT

Governor NORTHERN REGION

7 RIDGEDALE AVENUE

TAHESHA L. WAY CEDAR KNOLLS, NJ 07927

Lt. Governor

PHONE: (973)656 4099 * FAX: (973)656 4400

SHAWN M. LATOURETTE

Commissioner

NOTICE OF VIOLATION

EA ID #: PEA240002 - 46122

Name of violator: Berkeley Heights Twp Water Pollution Control Facility

Location: 29 Snyder Ave, Berkeley Heights Twp, NEW JERSEY 07922

Identifying #: 46122

Person interviewed and title: Alan Kennedy, Water Treatment Director and Licensed Operator

You are hereby NOTIFIED that during compliance evaluation inspections performed at the above location on 1/31/2024 and 3/07/2024, the following violations of the New Jersey Water Pollution Control Act (N.J.S.A. 58:10A-1 et seq.) and the New Jersey Pollutant Discharge Elimination System regulations (N.J.A.C. 7:14A-1 et seq.) were observed:

Requirement: Pursuant to N.J.A.C. 7:14A- 6.8(e), all sample frequencies expressed in Part III are minimum requirements. Any additional samples taken consistent with the monitoring and reporting requirements contained herein shall be reported on the Monitoring Report Forms.

Description of Noncompliance: Failure to identify increased monitoring in the Frequency of Analysis column of DMR reports. In nearly every DMR reviewed during this inspection, more samples (often 2x) were collected than required. Furthermore, the results of many samples analyzed (especially prior to January 2023) were not properly reported on DMRs. See the attached cover letter for details.

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(a)1, a NJPDES permittee shall comply with all the conditions of the NJPDES permit.

Description of Noncompliance: Monitoring Period: 12/01/2022-12/31/2022 Monitored Location: 001A Parameter: Nitrogen, Nitrate Total (as N) Sample Point: Effluent Gross Value Limit: 317 Limit Units: KILOGRAMS PER DAY Reported Value: 366 Reported Units: KILOGRAMS PER DAY Percent Excursion: 15% Statistical Base: Daily Maximum Violation Type: Numeric Viol Max Qty

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(a)1, a NJPDES permittee shall comply with all the conditions of the NJPDES permit.

Description of Noncompliance: Monitoring Period: 12/01/2022-12/31/2022 Monitored Location: 001A Parameter: E. Coli Sample Point: Effluent Gross Value Limit: 126 Limit Units: # PER 100 MILLILITERS(CONC) Reported Value: 153 Reported Units: # PER 100 MILLILITERS(CONC) Percent Excursion: 21% Statistical Base: Monthly Average Geometric Violation Type: Numeric Viol Avg Cone

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(a)1, a NJPDES permittee shall comply with all the conditions of the NJPDES permit.

Description of Noncompliance: Monitoring Period: 12/01/2022-12/31/2022 Monitored Location: 001A Parameter: Phosphorus, Total (as P) Sample Point: Effluent Gross Value Limit: 0.76 Limit Units: MILLIGRAMS PER LITER Reported Value: 1.2 Reported Units: MILLIGRAMS PER LITER Percent Excursion: 58% Statistical Base: Monthly Average Violation Type: Numeric Viol Avg Cone

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(a)1, a NJPDES permittee shall comply with all the conditions of the NJPDES permit.

Description of Noncompliance: Monitoring Period: 02/01/2023-02/28/2023 Monitored Location: 001A Parameter: Nitrogen, Ammonia Total (as N) Sample Point: Effluent Gross Value Limit: 2.0 Limit Units: MILLIGRAMS PER LITER Reported Value: 2.4 Reported Units: MILLIGRAMS PER LITER Percent Excursion: 20% Statistical Base: Monthly Average Violation Type: Numeric Viol Avg Cone

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(a)1, a NJPDES permittee shall comply with all the conditions of the NJPDES permit.

Description of Noncompliance: Monitoring Period: 02/01/2023-02/28/2023 Monitored Location: 001A Parameter: Nitrogen, Ammonia Total (as N) Sample Point: Effluent Gross Value Limit: 3.0 Limit Units: MILLIGRAMS PER LITER Reported Value: 4.4 Reported Units: MILLIGRAMS PER LITER Percent Excursion: 47% Statistical Base: Weekly Average Violation Type: Numeric Viol Max Cone

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(a)1, the operation of a waste treatment or disposal facility shall at no time create: (a) a discharge, except as authorized by the Department in the manner and location specified in Part III of this permit; (b) any discharge to the waters of the state or any standing or ponded condition for water or

waste, except as specifically authorized by a valid NJPDES permit.

Description of Noncompliance: Unpermitted overflow, from of partially treated effluent from the Primary clarifier during heavy rain events in December 2023 and January 2024. This is the result of uncontrolled I&I within the collection system. See the cover letter for details.

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Requirement: Pursuant to N.J.A.C. 7:14A- 6.5(b)3, DMRs and MRFs shall be submitted at the frequencies identified in Part III of this permit.

Description of Noncompliance: Failure to submit DMRs and MRFs at the frequency specified in PART III of the Permit. Most DMRs submitted in 2022 were late. See the attached cover letter for details.

Requirement: Pursuant to N.J.A.C. 7:14A- 6.8(a), monitoring results shall be submitted in accordance with the current NJPDES MRF Reference Manual and any updates thereof.

Description of Noncompliance: Failure to complete monitoring reports in accordance with the current Discharge Monitoring Report Manual and any updates. See the attached cover letter for the list of parameters that were reported incorrectly on DMRs.

Requirement: Pursuant to N.J.A.C. 7:14A- 6.2(a)1, a NJPDES permitte shall comply with all the conditions of the NJPDES permit.

Description of Noncompliance: Monitoring Period: 01/01/2023-01/31/2023 Monitored Location: 001A Parameter: Phosphorus, Total (as P) Sample Point: Effluent Gross Value Limit: 0.76 Limit Units: MILLIGRAMS PER LITER Reported Value: 0.95 Reported Units: MILLIGRAMS PER LITER Percent Excursion: 25% Statistical Base: Monthly Average Violation Type: Numeric Viol Avg Conc

You must take the following corrective actions:

1. BHWRPF must accurately report the number of samples collected during each monitoring

1. BHWPCF must accurately report the number of samples collected during each monitoring period in the "Frequency of Analysis" column of each DMR report. Furthermore, BHWPCF must report the results of all samples collected. See the attached cover letter for details. [N.J.A.C. 7:14A- 6.8(e)]
2. BHWPCF must only discharge fully treated effluent to the surface waters of the State via its DSN 001 outfall in compliance with its Permit. BHWPCF must cease all unpermitted discharges of partially treated effluent from its Primary clarifiers due to uncontrolled I&I. See the cover letter for additional details. [N.J.A.C. 7:14A- 6.2(a)1]
3. BHWPCF must discharge pollutants to the surface waters of the State in compliance with the effluent limitations contained within Part III of the Permit. [N.J.A.C. 7:14A- 6.2(a)1]
4. BHWPCF must submit DMR and WCR reports in a timely manner in accordance with its Permit. Each must be submitted within 25 days following the end of each completed monitoring period. [N.J.A.C. 7:14A- 6.5(b)3]
5. BHWPCF must properly complete and submit DMRs and WCRs to the Department in accordance with its Permit and DMR Instruction Manual. See the attached cover letter for details. [N.J.A.C. 7:14A- 6.8(a)]

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This Notice of Violation serves as notice that the NJDEP, Division of Water Enforcement, has determined that violations have occurred. It does not constitute final agency action and may not be appealed or contested. The issuance of this Notice or compliance therewith does not preclude the State of New Jersey or any of its agencies from initiating formal administrative and/or judicial enforcement action (including assessment of penalties), with respect to the violations listed above or for any other violations. You may appeal or contest such formal actions. Violations of the above regulations are subject to penalties of up to \$50,000 per day/offense.

Sign

Signature

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