



State of New Jersey

PHILIP D.

SHAWN M.

Governor LATOURETTE

Honorable Mayor Angie Devanney

Berkeley Heights Township

TAHESHA L.

WAY

CERTIFIED MAIL/RRR

7005 1160 0004 0976 2648 March 7, 2024

DEPARTMENT OF ENVIRONMENTAL
PROTECTION
WATER RESOURCE MANAGEMENT
DIVISION OF WATER ENFORCEMENT
NORTHERN REGION
7 Ridgedale Avenue
Cedar Knolls, New Jersey 07927

29 Park Avenue Berkeley Heights, NJ 07922 RE:

Compliance Evaluation and Assistance Inspection

Berkeley Heights Water Pollution Control Facility

PROGRAM INTEREST ID # 46122

PROGRAM: Water Quality

Compliance Activity # SCI 240001

NJPDES NO. NJG0159433 — NJPDES General Stormwater Permit

Berkeley Heights, Union County

Dear Mayor Devanney:

Compliance Evaluation Inspections of Berkeley Heights Water Pollution Control Facility's

("BHWPCF") compliance with its NJPDES Stormwater Permit was conducted by

representatives of this Bureau on January 31 and February 5, 2024. A copy of the completed

inspection report checklist is enclosed for your information.

The following deficiencies were noted during the inspection:

1. BHWPCF failed to provide the Department with records that annual stormwater self-inspections were conducted in 2020, 2021 and 2022 as required by its Permit. In addition, BHWPCF failed to complete and submit forms to the Department certifying that each inspection was done. Finally, BHWPCF failed to create a written summary describing who conducted each annual inspection, the date, areas inspected, problems found, and actions taken to correct any problems found.
2. JCC failed to provide the Department with records that annual training was provided to its employees in 2020, 2021 and 2022 as required by its Permit. Annual training must provide employees with a refresher on your Permit requirements, provisions in your SPP Plan, and

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Best Management Practices. Records must be maintained to document annual training, including the trainers name, the date, the employees present (by signature), and a brief summary of those topics covered.

3. BHWPCF failed to provide the Department with documentation that monthly stormwater management inspections were conducted in 2020, 2021 and 2022 as required by your Permit. These monthly inspections serve to identify and correct deficiencies with your stormwater Permit throughout the year.

4. The following industrial source materials were observed stored outdoors in violation of Permit:
 - a. Approximately 7 totes of peracetic acid, some full and some empty, were stored on ground near your contact tank. The totes had no cover for protection from rain, or secondary containment in the event of a leak. The ground beneath these totes was devoid of vegetation. See the attached photos. Part III of your SPP Plan notes "Secondary Containment" for the storage of peracetic acid.

- b. More than 20 totes of Micro-C, some full and some empty, were stored on bare ground

near your aeration tanks. The totes had no cover for protection from rain, or secondary containment in the event of a leak. See the attached photos.

c. BHWPCF installed a plastic tank containing several thousand gallons of Hydroxide without secondary containment. Evidence of a recent overflow was evident on the bare ground around the tank. Furthermore, BHWPCF installed a tent over the purrip beside the tank to convey the Magnesium Hydroxide. However, the tent was set up on bare ground, without containment. That ground within the tent was contaminated with Magnesium Hydroxide leaks and drips. See the attached photos.

d. More than 30 used chemical totes (mostly empty) were stored outdoors on asphalt near your garage. All were uncovered. Approximately five 55-gallon drums were also stored in this area, uncovered. See the attached photos. BHWPCF is reminded that used totes, even RCRA emptyones, are still considered industrial source materials under this Permit, and must be stored on impervious surfaces and covered from exposure to rain. A used tote or drum is no longer considered an industrial source material if it has been washed inside and out.

e. Approximately 10 used chemical totes were stored in the tall grass behind the sodium bisulfate building on bare ground. None were covered. The height of the grass suggests these totes have been outside for a long time. See the attached photos.

BHWPCF is hereby REQUIRED, in accordance with your NJPDES Permit, to immediately remove all industrial source materials from exposure to rain and provide secondary containment. See the attached Notice of Violation ("NOV").

The Department is aware that BHWPCF will soon construct several buildings for chemical addition. However, BHWPCF must take action to comply with its Stormwater Permit until such time that these buildings are complete..

5. The annual stormwater self-inspection conducted by BHWPCF on December 29, 2023 was incomplete in its scope. The inspection, conducted just 4 weeks before the NJDEP's visit, recorded "OK" for "Remove and Cover" "Good Housekeeping" and "Visual Inspections" , No deficiencies were noted anywhere in the inspection findings, which varies greatly from the findings in this report.

6. The monthly "Section X, Maintenance Schedule" inspection conducted by BHWPCF on January 22, 2024 was incomplete in its scope. The inspection, conducted just days before the NJDEP visit, noted no problems for "Peracetic acid containment walls and piping and portable spill vessel". No deficiencies were noted anywhere in that inspection, which varies greatly from the findings in this report.

7. The Department reviewed your Stormwater Pollution Prevention ("SPP") Plan and noted the following omissions:

a. Magnesium Hydroxide and Micro-C is not included in your Inventory of Source Materials, Part b. The Best Management Practices, ("BMPs"), Part VII did not include BMPs for storing chemical totes outdoors, both full and empty.

c. Your monthly maintenance schedule does not include inspecting the Magnesium Hydroxide storage tank and pump, the oil building, micro-c tote storage area, and the used tote storage area by your garage.

With your response to this inspection report, please provide this writer with a copy of your updated SPP Plan for review.

The Department hereby makes the following strong recommendation: I

Upon request, BHWPCF provided this writer with photos of the "Oil Building". The photos showed numerous totes, drums and 5-gallon buckets of chemical and petroleum products stored throughout this building. None of these containers were observed on/in secondary containment.

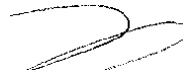
A spill or release from one of these containers could potentially flow out the

door to the environment, or wash into a floor drain which flows to the head of the wastewater plant. A release of a drum of oil, for example, could threaten the performance of your wastewater plant.

The deficiencies noted herein have placed your facility in violation of the terms and conditions of your 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.

Any questions concerning these matters should be directed to this writer who can be reached by telephone at 609-439-6422, by email at Andrew.Coleman@dep.nj.gov, or by letter at the address above.

Sincerely;



drew Coleman
Environmental Specialist III

Alan Kennedy, Licensed Operator and Director of Wastewater Treatment, 29 Park Avenue,
Berkeley Heights, NJ 07922

Enclosure

Compliance Evaluation Summary and Checklist with Included flag
sorted by PI

Page 1 of 1

SCI 240001 *Standard Compliance Inspection (46122)

Date Printed: 07/20/24

Activity: Berkley Hts FY24 5G2 CEI

Title Description: Start Date/Time: 01/31/2024 End Date/Time: WPCF 46122 (NJPDES)

Program Interest: 29 SNYDER BERKELEY HEIGHTS TWP, UNIONCOUNT

Mailing Address: 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 Marshall, Tyler

Robert Fischer, Consultant, PS&S Engineering, cell #732-620-1007.

Alan Kennedy, Licensed Operator & Director of Wastewater Treatment, akennedy@bhtwp.com, phone #848-247-0768

General Comments

Osei, Claire 1. The Permit became effective on 2/1/23 and expires on 1/31/28.

Inspection Attribute(s): Quantity(s)

Number of Attributes: —

46122 5G2 0 - Basic Industrial Stormwater (GP)

Requirement Status RTC Results or Comments Reqt Source Ref # Reqt. Type

Failure to eliminate all exposure of source materials to stormwater.

Did the Permittee eliminate all exposure of source materials to stormwater?. [N.J.A.C. 7:14A- 6.2(a)1]

See the cover letter.

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Page 3 of 46122 5G2 0 - Basic Industrial Stormwater (GP) Requirement				
Status	RTC Results or Comments	Ref #	Reqt. Type	Reqt Source
	Did the facility submit certification that the Annual Inspection was conducted each year by the end of the fourth calendar quarter (October - December)?.			
	Once the SPPP has been implemented, has the Permittee conducted and documented annual self-inspections? . [N.J.A.C. 7:14A- 6.2(a)1]			
	Annual inspection not conducted in 2020, 2021 and 2022. 2023 inspection ON conducted 12/27/23.			126 T
DST 230001	[N.J.A.C. 7:14A- 6.2(a)1]			
	Does the facility maintain records required by the Permit a minimum of five (5) years?. [N.J.A.C. 7:14A- 6.2(a)1]			
	Certifications not submitted in 2020, 2021 and 2022: 2023 ON cert mailed 12/27/23.			
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January 3, 2024

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Chemical totes and containers ig ikss 1-1;;14 31J 1' ..hin

request.

		Line recd. piping and sh hatch and portable spill vessel..		
		Odor Control containment and piping (system now 00S).	(S (Mg A	



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER COMPLIANCE AND ENFORCEMENT
NORTHERN REGIONAL OFFICE
7 RIDGEDALE AVENUE
CEDAR KNOLLS, NJ 07927

PHILIP D. MURPHY

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

SHAWN M. LATOURETTE Governor Commissioner

TAHESHA L. WAY Lt. Governor

NOTICE OF VIOLATION EA ID #: PEA240001 - 46122 Entity:

Berkley Heights Water Pollution Control Facility ("BHWPCF")

29 Snyder Ave, Berkeley Heights Twp, New Jersey 07922 Location: Identifying 46122

Person interviewed and title: Alan Kennedy, Licensed Operator & Director of Wastewater Treatment, akennedy @bhtwp .com, phone #848-247-0768

You are hereby NOTIFIED that during compliance evaluation inspections of your wastewater plant on January 31 and February 5, 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: In accordance with your NJPDES General Stormwater Permit, BHWPCR must prevent Industrial Source Materials from being exposed to rain. BHWPCR must also provide secondary containment to prevent pollutants from being washed to the surface and groundwaters of the State by rain. [N.J.A.C. 7:14A- 6.2(a)1]

Description of Noncompliance: Failure to eliminate all exposure of source materials to stormwater: See the cover letter for details. You must take the following corrective actions:

1. BHWPCF must prevent industrial source materials from being contacted by rain.

Furthermore, drums, totes and buckets must be stored in secondary containment to prevent pollutants from leaking to the ground. [N.J.A.C. 7:14A- 6.2(a)1]

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This Notice of Violation serves as notice that the NJDEP, Water Compliance and Enforcement, 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.

Issued by: Andrew Coleman

Print Name

Date: March 7, 2024

A handwritten signature in black ink, appearing to be "Andrew Coleman", written over a horizontal line.

Signature: Sign Name