



REGION 2

NEW YORK, N.Y. 10007

May 8, 2025

VIA ELECTRONIC MAIL AND CETIFIED MAIL TO:

Mr. Henry Kohn, Owner & President
30 Burlington Road
Monroeville, NJ 08343

RE: Henry Kohn Inc. / Burlington Beef
Administrative Compliance Order
Docket ID: CWA-02-2025-3015
Permit ID: NJ0099198 (Discharge to Ground Water) and NJG197670 (Terminated Stormwater Permit)

Dear Mr. Kohn:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that Henry Kohn Inc., the "Owner" and "Operator" of Burlington Beef, ("Respondent") is in violation of Section 402 of the Clean Water Act (33 U.S.C. § 1251 et seq) ("CWA" or "the Act") for both unauthorized discharges of pollutants without a permit in violation of Section 301 of Clean Water Act and violations of New Jersey Pollutant Discharge Elimination System ("NJPDES") Permit No. NJ0099198 at your facility located 30 Burlington Road, Monroeville, New Jersey (the "Site" or "Facility"). Enclosed is an Administrative Compliance Order (the "Order"), CWA-02-2025-3015 issued pursuant to Section 309 of the CWA, which details the findings.

Please acknowledge receipt of the Order by signing the acknowledgment page and returning it electronically. Failure to comply with the enclosed Order may subject the Facility to civil/criminal penalties pursuant to Section 309 of the Act. Failure to comply with this Order shall also subject the Facility to ineligibility for participation in work associated with Federal contracts, grants or loans.

Also enclosed is the Compliance Evaluation Inspection ("CEI") report for the CEI conducted by EPA on February 19, 2025. If you have any questions regarding the Order please contact Ms. Justine Modigliani, P.E., Chief, Compliance Section, Water Compliance Branch, at (212) 637-4268.

Sincerely,

**KATHLEEN
ANDERSON** Digitally signed by
KATHLEEN ANDERSON
Date: 2025.05.08
09:10:06 -04'00'

Kathleen Anderson, Director
Enforcement and Compliance Assurance Division

Enclosures

- 1) EPA's Inspection Report from the inspection on February 19, 2025
- 2) Attachment 1 – EPA's Photographs
- 3) Attachment 2 - NJDEP Notice of Violation for unpermitted discharge dated March 27, 2024
- 4) Attachment 3 – SCD Photographs from March 12, 2024 and February 3, 2025
- 5) Attachment 4 – Aerial Images of the Site
- 6) Attachment 5 – Spray Field Operations and Maintenance Manual (“O&M” Manual)

cc: Bryan Barrett, Bureau Chief, Bureau of Water Compliance and Enforcement-Southern Region, bryan.barrett@dep.nj.gov
Steve Mathis, NJDEP, steve.mathis@dep.nj.gov
Tiffany Malcolm, NJDEP, tiffany.malcolm@dep.nj.gov
Michael Bonham, Cumberland Salem Soil Conservation District, cumbsoil@aol.com
Cynthia “Cindy” Kohn, Owner & Vice President, Burlington Beef, cindy@burlingtonbeef.com
Thomas “Tommy” Patten, Office Manager, Burlington Beef, tom@burlingtonbeef.com
Adam Kohn, General Manager, adam@burlingtonbeef.com

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Henry Kohn, Inc.
Owner of Burlington Beef
30 Burlington Road
Monroeville, NJ 08343

Proceeding pursuant to Sections 309(a)(3) of the
Clean Water Act, 33 U.S.C. § 1319(a)(3)

RESPONDENT

**ADMINISTRATIVE COMPLIANCE
ORDER
CWA-02-2025-3015**

The following Administrative Compliance Order (“Order”) is issued pursuant to Section 309(a)(3) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a)(3). This authority has been delegated by the Administrator of the United States Environmental Protection Agency (“EPA”) to the Regional Administrator, EPA Region 2, and since further redelegated to the Director of Enforcement and Compliance Assurance Division, Region 2, EPA.

A. LEGAL AUTHORITY

1. Section 301(a) of the CWA, 33 U.S.C. § 1311 (a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
1. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of EPA to issue a NPDES permit for the discharge of any pollutant or combination of pollutants, subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New Jersey Department of Environmental Protection (“NJDEP”) is the agency with the authority to administer the federal NPDES program in New Jersey pursuant to Section 402(b) of the CWA. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), NJDEP is authorized to issue a State Pollution Discharge Elimination System (“SPDES”) permit to a facility for the discharge of pollutants from a point source to a water of the United States. EPA maintains concurrent enforcement authority with authorized States for violations of the CWA and permits issued by authorized States thereunder. *See* 33 U.S.C. § 1342(i).
2. “Person” is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include an individual, corporation, partnership, association, or municipality.

3. “Discharge of a pollutant” is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.
4. “Pollutant” is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include, among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge, biological materials and industrial, municipal, and agricultural waste discharged to water.
5. “Point source” is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, or vessel or other floating craft, from which pollutants are or may be discharged. 40 C.F.R. § 432.1 further defines a slaughterhouse as a point source for purposes of the CWA.
6. “Navigable waters” are defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), as “waters of the United States, including the territorial seas.”
7. “Owner or operator” is defined by 40 C.F.R. § 122.2, as the owner or operator of any “facility or activity” subject to regulation under Section 402 of the CWA, 33 U.S.C. § 1342(a).
8. Section 309(a) of the CWA, 33 U.S.C. § 1319(a) authorizes the Administrator to issue an order requiring compliance, or commence a civil action, when any person is found to be in violation of Section 301 of the CWA, 33 U.S.C. § 1311, or in violation of any permit condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.
9. The terms “Individual SPDES Permit” or “Individual Permit” refer to an individual SPDES permit issued by NJDEP that authorizes processed wastewater and stormwater discharges.

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Henry Kohn Inc. (“Respondent”) is a “person” pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
2. Respondent owns and operates a slaughterhouse known as Burlington Beef located at 30 Burlington Road, Monroeville, New Jersey (the “Facility” or “Site”). Therefore, Respondent is an owner or operator within the meaning of 40 C.F.R. § 122.2.
3. Respondent’s Facility discharged process wastewater, a “pollutant” within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6) to an unnamed tributary of Muddy Run, which is a tributary of Delaware Bay and the Atlantic Ocean. Delaware Bay and the Atlantic Ocean are both navigable waters of the United States within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
4. The New Jersey Department of Environmental Protection (“NJDEP”), under the authority of Section 402(b) of the CWA, 33 U.S.C. § 1342(b), issued New Jersey Pollutant Discharge Elimination System (“NJPDES”) Permit No. NJ0099198 (the “Ground Water Permit”), which authorizes the discharge of process wastewater to the Site’s spray field (and underlying groundwater), provided the discharge is contained within the spray field, for irrigation purposes. The NJPDES Ground Water Discharge Permit does not authorize discharges to Waters of the U.S.

The current version of the Permit went into effect on February 11, 2015, and expired on February 29, 2020, but has been administratively extended.

5. On March 12, 2024, the Cumberland Salem Soil Conservation District (the “SCD”) received a citizen’s complaint regarding a red discharge downstream from the Site. The citizen’s complaint contained two (2) photographs of the aforementioned red discharge entering an unnamed tributary of Muddy Run. Exhibit 1.
6. On March 27, 2024, the NJDEP issued Respondent a Notice of Violation (“NOV”) for unpermitted discharges found on the property.
7. On February 3, 2025, the SCD took two (2) photographs downstream of the Site displaying a colored discharge entering an unnamed tributary of Muddy Run. Exhibit 2.
8. Following the inspection, EPA reviewed past aerial images of the Site online at CONNECTExplorer EagleView. The aerial images show a potential discharge leaving the southeastern portion of the Site’s spray field as far back as May 13, 2007. See Exhibit 3.
9. Section 301(a) of the Clean Water Act (“CWA”), 33 U.S.C. § 1311(a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
10. At the time of the inspection, EPA observed multiple instances of unauthorized discharge leaving the southern portion of the spray field. EPA noted the discharge appeared to be red in nature. Additionally, EPA observed erosion within the spray field.
11. Following the inspection, EPA issued a Request for Information (“RFI” or “308”), CWA-IR-25-018, to the Facility on March 17, 2025. EPA received a response to the RFI on April 16, 2025.
12. Part III of the Permit addresses the Limits and Monitoring Requirements for groundwater monitoring well 1 (“MW-1”), groundwater monitoring well 2 (“MW-2”) and groundwater monitoring well 3 (“MW-3”) in Table III – A – 1. Following the inspection, EPA reviewed the Site’s Waste Characterization Reports (“WCRs”) for the period of March 2022 through February 2025 and noted a total of thirty-five (35) permit exceedances for all three (3) monitoring wells. See Exhibit 4.
13. Part III of the Permit addresses the Limits and Monitoring Requirements for the Site’s discharge well (“G01G”) in Table III – B – 1. Discharge well G01G stores the wastewater prior to being discharged to the spray field. Following the inspection, EPA reviewed the Site’s Discharge Monitoring Reports (“DMRs”) for the period of March 2022 through February 2025 and found a permit exceedance for pH at Outfall G01G on September 22, 2023.
14. Part IV.B.1.c of the Permit states that “DMRs shall be postmarked no later than the 25th day of the month following the completed monitoring period.” EPA reviewed the Site’s DMRs for the period of March 2022 through February 2025. On at least three occasions the postmarked date of the monitoring period was late. See Exhibit 5.

15. Part IV.D.2.f of the Permit lists the minimum provisions required to be included in the Site's O&M Manual. At the time of the inspection, the Site's O&M Manual did not include the following provisions, as required by the Permit:
 - a. A list of all pollutants generated and/or discharged to all units regulated by this permit.
 - b. Assessment of emergency situations which affect the discharge activities as outlines in N.J.A.C. 7:14A-6.12(d)3. Emergency procedures in the O&M Manual shall not create an unpermitted discharge or contravene any rules or regulations. If the discharge flows to the regulated unites without the aids of pumps, the emergency plan only needs to address equipment and emergency procedures.
 - c. Procedures for correcting emergency situations.
 - d. Procedures for notifying the appropriate agencies.
16. Part IV.E.2.a.i of the Permit states that the Facility's O&M Manual should contain "a schedule of physical inspections of entire visible spray field on a weekly basis during the periods of active discharge. During the inspection the permittee should look for areas of buildup of solids, ponding or channeling, and excessive or lack of vegetative growth." Part II of the Site's O&M Manual contains the stated requirements, however, at the time of the inspection, it was apparent to EPA that weekly visual inspections were not being conducted properly. EPA observed multiple areas of ponding and erosion within the spray field and noted the entire spray field to be barren.
17. Part IV.E.2.a.ii of the Permit states that the Facility's O&M Manual should contain a "schedule of tilling, growth and harvesting of vegetation to ensure appropriate cover of the spray field." At the time of the inspection, the Site's O&M Manual did not contain a schedule for tilling, growth and harvesting of vegetation and EPA observed the spray field to be barren.
18. Part IV.E.2.c.i of the Permit states that "during the first year of the permit, the permittee is to determine the critical [wind] velocity limit above which spraying should not occur." At the time of the inspection, EPA did not observe a critical wind velocity limit within the Site's Soil Temperature and Wind Velocity logbook.
19. Part IV.E.2.c.ii of the Permit states that when using the manual soil temperature probe, "a minimum of three locations, within the spray field at least 500 feet apart, shall be tested. Spraying shall not commence when the soil temperature is below 40 degrees Fahrenheit."
 - a. According to the Site's Soil Temperature and Wind Velocity logbook, only one (1) soil temperature was collected, and the required three (3) minimum soil temperatures were not being collected.
 - b. Following the inspection, EPA reviewed the Site's Soil Temperature and Wind Velocity logbook entries from June 14, 2024 through February 18, 2025. During this period, EPA noted three (3) instances when the Site discharged to the spray field when the ground temperature was below 40°F.
20. Part IV.E.2.d of the Permit states that the permittee must maintain records of wind speed and temperature measurements and that "these records must include information regarding the date, time, and location of the measurements." EPA noted that the Site's Soil Temperature and Wind Velocity logbook did not record the time or location the sample was taken.

21. Part IV.E.2.f of the Permit states that “the discharge to the permitted spray fields shall not exceed the boundaries as indicated on the site plans submitted to the Department.” At the time of the inspection, EPA observed multiple areas where the Site’s wastewater discharge was exceeding the spray field’s boundary, and the wastewater was flowing off-site.
22. Based upon the above paragraphs, EPA finds that Respondent is in violation of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and applicable implementing regulations.

C. ORDERED PROVISIONS

Based upon the foregoing and pursuant to the authority of Section 309(a)(3) of the Act, it is hereby ORDERED that:

1. **Immediately** upon receipt of this Order, a responsible official of the Respondent shall complete and sign the acknowledgment of receipt and return the acknowledgement page to the Chief, Water Compliance Branch, electronically.
2. **Respondent shall immediately** cease all process wastewater discharges to the unnamed tributary of Muddy Run, which is a tributary of Delaware Bay and the Atlantic Ocean.
3. **Within ten (10) calendar days of receipt of this Order**, Respondent must submit written certification that all unauthorized discharges into any and all Waters of the U.S have ceased, and that Respondent will not discharge unless specifically authorized by a SPDES Permit.
4. **Within thirty (30) calendar days of receipt of this order**, in order to ensure all discharges to a water of the United States cease, Respondent must:
 - a. Update the Site’s O&M manual in accordance with Part IV.D.2.f of the Permit as discussed in Paragraph B.15 above;
 - b. Submit written certification that weekly visual inspections of the spray field are being conducted in accordance with Part IV.E.2.a.i of the Permit as discussed in Paragraph B.16 above; and
 - c. Submit written certification that Respondent is now properly maintaining records of wind speed and temperature measurements in accordance with Part IV.E.2.d of the Permit as discussed in Paragraph B.19 above.
5. **Within sixty (60) calendar days of receipt of this Order**, Respondent must submit a written explanation and final drawings explaining the upgrades done at the spray field that identify how the upgrades permanently eliminated unauthorized discharges. If the upgrades have not been completed, the Respondent must submit a schedule outlining when the upgrades will be finalized and include an explanation for how the upgrades will prevent future unauthorized discharges.
6. **Within ninety (90) calendar days of receipt of Item C.4 of this Order**, the Respondent must complete all upgrades to the spray field to permanently prevent future unauthorized discharges consistent with local, state and federal regulations, including wetlands regulations, CWA Section 404, 33 U.S.C. § 1344.

D. GENERAL PROVISIONS

1. All information or documents required to be submitted by Respondent as part of this Order shall be sent electronically to the following addresses:

Douglas McKenna, Deputy Director
Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2

mckenna.douglas@epa.gov

with copy to

Lantner.Murray@epa.gov

Bryan Barret, Bureau Chief
Bureau of Water Compliance Programs-Southern Region
NJDEP

Bryan.barrett@dep.nj.gov

*Electronic submissions must include the Respondent's certification, specified below

2. Pursuant to 40 C.F.R. § 122.22, all information or documents required to be submitted by Respondent shall be signed by an authorized representative of Respondent, and shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

3. Respondent shall have the opportunity, for a period of twenty (20) days from the date of receipt of this Order, to confer, regarding the Ordered Provisions, with the following designated Agency representative:

Douglas McKenna, Deputy Director
Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2

290 Broadway, 21st Floor

New York, New York 10007-1866

(212) 637-4244

mckenna.douglas@epa.gov

4. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set

forth at [http://uscode.house.gov/view.xhtml?req=\(title:5 section:706 edition:prelim\)](http://uscode.house.gov/view.xhtml?req=(title:5 section:706 edition:prelim)), which provides the grounds for such review.

5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
6. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to \$64,618 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R., Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for hearing, the Court determines that you have violated the CWA as described above and failed to comply with the terms of the Compliance Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Compliance Order.
7. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
8. This Order shall become effective upon the date of execution by the Director, Enforcement and Compliance Assurance Division.

Dated: 5/8/2025 Signed: KATHLEEN ANDERSON
Kathleen Anderson, Director
Enforcement and Compliance Assurance Division

Digitally signed by
KATHLEEN ANDERSON
Date: 2025.05.08
09:10:59 -04'00'

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Henry Kohn Inc.
Owner of Burlington Beef
30 Burlington Road
Monroeville, NJ 08343

Proceeding pursuant to Section 309(a)(3) of the
Clean Water Act, 33 U.S.C.
§ 1319(a)(3)

RESPONDENT

**ADMINISTRATIVE COMPLIANCE
ORDER**

CWA-02-2025-3015

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER**

I, _____, an authorized representative of Henry Kohn Inc. with the

title of, _____, do hereby acknowledge the receipt of copy of the

ADMINISTRATIVE COMPLIANCE ORDER, CWA-02-2025-3015.

DATE: _____

SIGNED: _____

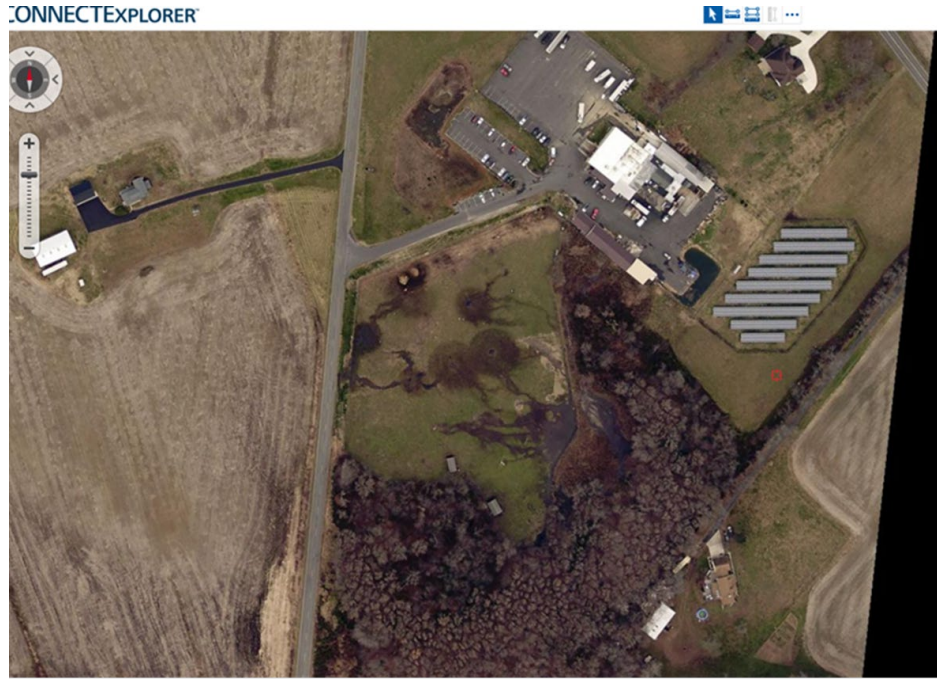
Exhibit 1



Exhibit 2



Exhibit 3



December 7, 2019



April 13, 2018



December 19, 2016



May 13, 2007

Exhibit 4

Table 1: NJPDES Permit Exceedances submitted in Burlington Beef's WCRs for the period of March 2022 through February 2025.

Postmarked Date	Outfall	Parameter Description	Statistical Base Type	WCR Value Unit	Limit Value	WCR Value
4/11/2022	MW-1	Solids, Total Dissolved (TDS)	Grab	mg/l	500	904
4/11/2022	MW-2	Solids, Total Dissolved (TDS)	Grab	mg/l	500	900
4/11/2022	MW-3	Nitrogen, Ammonia Total (N)	Grab	mg/l	3	3.1
4/11/2022	MW-3	Sodium, Total (Na)	Grab	mg/l	50	390
4/11/2022	MW-3	Chloride (Cl)	Grab	mg/l	250	624
7/19/2022	MW-2	Solids, Total Dissolved (TDS)	Grab	mg/l	500	652
7/19/2022	MW-2	Sodium, Total (Na)	Grab	mg/l	50	220
10/11/2022	MW-2	Sodium, Total (Na)	Grab	mg/l	50	198
10/11/2022	MW-2	Chloride (Cl)	Grab	mg/l	250	308
1/9/2023	MW-2	Solids, Total Dissolved (TDS)	Grab	mg/l	500	716
1/9/2023	MW-2	Sodium, Total (Na)	Grab	mg/l	50	64.6
1/9/2023	MW-3	Sodium, Total (Na)	Grab	mg/l	50	89.2
4/20/2023	MW-2	Sodium, Total (Na)	Grab	mg/l	50	69.5
7/20/2023	MW-2	Nitrogen, Ammonia Total (N)	Grab	mg/l	3	10
7/20/2023	MW-2	Sodium, Total (Na)	Grab	mg/l	50	72.2
10/23/2023	MW-2	Solids, Total Dissolved (TDS)	Grab	mg/l	500	1212
10/23/2023	MW-2	Sodium, Total (Na)	Grab	mg/l	50	410
10/23/2023	MW-2	Chloride (Cl)	Grab	mg/l	250	599
10/23/2023	MW-3	Sodium, Total (Na)	Grab	mg/l	50	76.2
1/22/2024	MW-2	Solids, Total Dissolved (TDS)	Grab	mg/l	500	984
1/22/2024	MW-2	Sodium, Total (Na)	Grab	mg/l	50	329
1/22/2024	MW-2	Chloride (Cl)	Grab	mg/l	250	362
1/22/2024	MW-3	Sodium, Total (Na)	Grab	mg/l	50	79
4/22/2024	MW-2	Sodium, Total (Na)	Grab	mg/l	50	369
4/22/2024	MW-2	Chloride (Cl)	Grab	mg/l	250	430
7/22/2024	MW-2	Solids, Total Dissolved (TDS)	Grab	mg/l	500	712
7/22/2024	MW-2	Sodium, Total (Na)	Grab	mg/l	50	197
7/22/2024	MW-2	Chloride (Cl)	Grab	mg/l	250	275
10/24/2024	MW-1	Solids, Total Dissolved (TDS)	Grab	mg/l	500	1056
10/24/2024	MW-2	Solids, Total Dissolved (TDS)	Grab	mg/l	500	1052
10/24/2024	MW-2	Sodium, Total (Na)	Grab	mg/l	50	349
10/24/2024	MW-2	Chloride (Cl)	Grab	mg/l	250	400
1/23/2025	MW-2	Solids, Total Dissolved (TDS)	Grab	mg/l	500	1292
1/23/2025	MW-3	Sodium, Total (Na)	Grab	mg/l	50	67.4

Exhibit 5

Table 3: Late DMR submissions for the period of March 2022 through February 2025.

Monitoring Period	Postmarked Date	Days Late
March 2023 - May 2023	6/28/2023	3
March 2024 - May 2024	7/1/2024	6
June 2024 - August 2024	9/26/2024	1