



**VIA ELECTRONIC MAIL TO: [karenyumi12@icloud.com](mailto:karenyumi12@icloud.com)**

**April 30, 2025**

Karen Yumi, Owner  
Delta Car Wash and Detailing  
138 NJ-Route 23  
Sussex, NJ 07461

Re: **Delta Car Wash and Detailing  
Information Request and Administrative Compliance Order  
Docket No. CWA-02-2025-3022  
NPDES No. NJU083758  
EPA Inspection, March 25, 2025**

Dear Ms. Yumi:

The United States Environmental Protection Agency (“EPA”), Region 2, has made a finding that Delta Car Wash and Detailing (“Respondent”) is in violation of Section 301 of the Clean Water Act (33 U.S.C. § 1251 et seq) (“CWA” or “the Act”) for process water and stormwater discharges not covered by a New Jersey Department of Environmental Protection (“NJDEP”) New Jersey Pollutant Discharge Elimination System (“NJPDES”) permit at your facility located at 138 NJ-Route 23, Sussex, New Jersey. Enclosed is an Information Request and Administrative Compliance Order (together the “Order”), CWA-02-2025-3022, issued pursuant to Sections 308 and 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 Respondent to civil/criminal penalties pursuant to Section 309 of the Act. Failure to comply with this Order shall also subject Respondent 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 March 25, 2025.

If you have any questions regarding the Order please contact Ms. Justine Modigliani, Supervisor, Clean Water Act Compliance Section, at (212) 637-4268.

Sincerely,

**KATHLEEN  
ANDERSON** Digitally signed by  
KATHLEEN ANDERSON  
Date: 2025.04.30  
11:04:31 -04'00'

Kathleen Anderson, Director  
Enforcement and Compliance Assurance Division

Enclosures

- EPA March 25, 2025, Inspection Report

CC: Don Hirsch, NJDEP, [Don.Hirsch@dep.nj.gov](mailto:Don.Hirsch@dep.nj.gov)  
Julia Gurriell, Sussex County DOH, [BioGurriell@sussex.nj.us](mailto:BioGurriell@sussex.nj.us)  
Manjit Bajwa, Property Owner, [Bajwamgt@gmail.com](mailto:Bajwamgt@gmail.com)

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

**IN THE MATTER OF:**

Delta Car Wash and Detailing  
138 NJ-23,  
Sussex, NJ 07461

Proceeding pursuant to Sections 308(a) and  
309(a)(3) of the Clean Water Act, 33 U.S.C. §§  
1318(a) and 1319(a)(3)

**RESPONDENT**

**INFORMATION REQUEST AND  
ADMINISTRATIVE COMPLIANCE ORDER**

**CWA-02-2025-3022**

The following Information Request and Administrative Compliance Order (together the "Order") are issued pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. §§ 1318(a) and 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 the 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 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.
2. 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, 33 U.S.C. § 1342(b). Under this authority, a New Jersey Pollutant Discharge Elimination System ("NJPDDES") permit is required for the discharge of pollutants from a point source to a navigable 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.

3. "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.
4. "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.
5. "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 and industrial, municipal, and agricultural waste discharged to water.
6. "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, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
7. "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."
8. "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.
9. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, in relevant part, that the Administrator of EPA may require the owner or operator of any point source to, among other things: establish and maintain such records; make such reports; install, use and maintain such monitoring equipment; sample such effluents; and provide such other information as may reasonably be required to carry out the objective of the CWA.
10. Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), 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.
11. The terms "Individual NJPDES Permit" or "Individual Permit" refer to an individual NJPDES permit issued by NJDEP that authorizes processed wastewater and stormwater discharges.

## **B. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Delta Car Wash and Detailing ("Respondent") is a corporation and is therefore a "person" pursuant to Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
2. Respondent owns and operates Delta Car Wash and Detailing, located at 138 NJ – Route 23, Sussex, NJ 07461 (the "Facility"). Therefore, Respondent is an owner or operator within the meaning of 40 C.F.R. § 122.2.

3. The Respondent's Facility discharged process wastewater in the form of used car wash water, detergent, sludge, oil, sediment and grit, all "pollutants" within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), from the car wash reclaim system tanks into a stormwater swale to the south of the car wash, a "point source" within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14). The discharges into the stormwater swale flow west into the Beaver Run, a permanent tributary to the Wallkill River, and ultimately the Hudson River. The Hudson River is a traditional navigable water of the United States. The Hudson River, Wallkill River, and Beaver Run are "navigable waters" within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and as such, Respondent is required to obtain a NJPDES permit in order to discharge pollutants as defined in Section 502(12) of the CWA, 33 U.S.C. § 1362(12).
4. The Respondent's operations at the Facility are classified by Standard Industrial Classification ("SIC") Code 7542 (Carwashes). The Facility's SIC Code is not regulated under 40 C.F.R. § 122.26.
5. On March 25, 2025, representatives of EPA Region 2 conducted a Compliance Evaluation Inspection ("CEI") to assess compliance with Sections 301 and 402 of the CWA at the Facility.

#### Unauthorized Discharges

6. During the CEI, the EPA inspector spoke with Mr. Rolando Espinoza, owner, who explained that the drain pump for the reclaim tank was clogged. Mr. Espinoza explained that while the drain pump was clogged, the Facility pumped out the used wash water reclaim tanks into the stormwater swale to the south of the car wash (See Attachment 2). The Sussex County Department of Health ("DOH") provided EPA with photo and video documentation from its inspection on March 17, 2025. The photos and video from Sussex County DOH document the Facility actively pumping out used car wash water, sludge, grit, oil, and sediment into the stormwater swale to the south of the Facility (See Attachment 2). The stormwater swale to the south of the car wash flows to the west into Beaver Run. During EPA's CEI, the EPA inspector observed the dried remains of the process wastewater discharges into the stormwater swale to the south of the Facility (See Attachment 1, DSCN2230 – DSCN2237). Respondent must have an individual NJPDES Permit that authorizes the process wastewater discharges.
7. 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 Respondent shall complete and sign the acknowledgment of receipt and return the acknowledgement page to the Supervisor, Water Compliance Branch, electronically.

2. **Respondent shall immediately** cease all process wastewater discharges to Beaver Run.
3. **Within ten (10) calendar days of receipt of this Order**, Respondent must submit written certification that all process wastewater discharges (e.g. car wash water, sludge, sediment) into any and all Waters of the U.S. have ceased and that Respondent will not discharge process wastewater unless specifically authorized by an Individual NJPDES Permit. The Respondent must certify that if/when the Facility experiences issues in the future with the reclaim system that all process wastewater will be hauled offsite and treated properly.
4. **Within ten (10) calendar days of receipt of this Order**, Respondent must submit an itemized list with a detailed description and photographs of all repairs that the Respondent has completed to prevent all future discharges of process wastewater from the car wash reclaim system.
5. **Within thirty (30) calendar days of receipt of this Order**, the Respondent shall undertake all steps necessary to determine the current layout of all plumbing and drainage systems associated with the car wash. The Respondent shall update as-builts and drainage floor plans as necessary to ensure that all flow paths are accurate and no process wastewater can discharge to the surrounding stormwater system including, but not limited to:
  - a. Any potential connection of an overflow from the car wash reclaim system to the stormwater inlet
  - b. The stormwater inlet and its plumbing connecting to the stormwater pit to the southeast of the car wash
  - c. The stormwater pit and all pipes going to/from the pit
  - d. The stormwater swale and all drainage pipes associated with the swale including their direction of flow
  - e. Whether there are any locations in which the carwash water reclaim system is overflowing or discharging wastewater outside of the reclaim system into any of the previously mentioned drainage systems or into the sanitary sewer.

#### **D. REQUEST FOR INFORMATION**

Based upon the foregoing and pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a):

1. **Within fifteen (15) calendar days of receipt of this Order**, Respondent is required to submit the following to EPA and NJDEP:
  - a. A written (and photographic, where appropriate) description of how Respondent has addressed the Potential Non-Compliance (“PNC”) items and Areas of Concern (“AOCs”) listed in the enclosed CEI Report (note that if the Respondent has addressed and documented the corrective action for a PNC or AOC under the Order above, then it is not necessary to repeat in the response to this paragraph);

## E. 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:

Justine Modigliani, Supervisor  
Clean Water Act Compliance Section  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency - Region 2

[Modigliani.Justine@epa.gov](mailto:Modigliani.Justine@epa.gov)

with copy to

[Ferreira.Nicholas.K@epa.gov](mailto:Ferreira.Nicholas.K@epa.gov)

Don Hirsch, Bureau Chief,  
Bureau of Water Compliance and Enforcement – Northern,  
NJDEP

[Don.Hirsch@dep.nj.gov](mailto:Don.Hirsch@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:

Justine Modigliani, Supervisor  
Clean Water Act Compliance Section  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency - Region 2

290 Broadway, 21<sup>st</sup> Floor

New York, New York 10007-1866

(212) 637-4268

[Modigliani.Justine@epa.gov](mailto:Modigliani.Justine@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)), 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) Administrative Compliance Order may result in Respondent's liability for civil penalties for each violation of up to \$68,445 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 Respondent has violated the CWA as described above and failed to comply with the terms of the Administrative 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 Administrative Compliance Order.
7. Notice is hereby given that failure to comply with the requirements of the CWA Section 308(a) Information Request may result in Respondent's liability for civil penalties for each violation of up to \$68,445 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 a hearing, the Court determines that Respondent has failed to comply with the terms of the Information Request. Respondent may also be subject to administrative remedies for a failure to comply with the Information Request as provided by Section 309 of the CWA.
8. 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.
9. This Order shall become effective upon the date of execution by the Director, Enforcement and Compliance Assurance Division.

Dated: 4/29/25

Signed: KATHLEEN ANDERSON  
Kathleen Anderson, Director  
Enforcement and Compliance Assurance Division

Digitally signed by KATHLEEN ANDERSON  
Date: 2025.04.30 11:05:03 -04'00'

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

**IN THE MATTER OF:**

Delta Car Wash and Detailing  
138 NJ-Route 23  
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Proceeding pursuant to Sections 308(a) and  
309(a)(3) of the Clean Water Act, 33 U.S.C.  
§§ 1318(a) and 1319(a)(3)

**RESPONDENT**

**INFORMATION REQUEST AND  
ADMINISTRATIVE COMPLIANCE ORDER**

**CWA-02-2025-3022**

**ACKNOWLEDGMENT OF RECEIPT OF  
INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER**

I, \_\_\_\_\_, an authorized representative of Delta Car Wash and

Detailing with the title of \_\_\_\_\_, do hereby acknowledge the receipt of

copy of the INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER, CWA-02-2025-

3022.

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_