



REGION 2

NEW YORK, N.Y. 10007

March 12, 2025

Jack K. Tompkins
Mayor
Township of Pemberton
500 Pemberton-Browns Mills Road
Pemberton, NJ 08068
Attn: mayor@pemberton-twp.com

Re: Administrative Order, Docket No. SDWA-02-2025-8026
Pemberton Township Department Main (PWS ID No. NJ0329004)

Dear Mayor Tompkins:

Enclosed you will find an Administrative Order ("AO"). The AO finds that the Township of Pemberton owns and/or operates Pemberton Township Department Main, a "public water system" as defined by the Safe Drinking Water Act ("SDWA") and 40 C.F.R. Part 141.2, and is, therefore, subject to its requirements. The United States Environmental Protection Agency ("EPA") also finds that Pemberton Township Department Main failed to comply with the SDWA's reporting requirements associated with the fifth cycle of the Unregulated Contaminant Monitoring Regulation ("UCMR5"). The enclosed AO requires Pemberton Township Department Main to comply with these requirements.

I urge your cooperation in assuring that the requirements of the enclosed AO are met. The violation of an Administrative Order may subject the violator to an administratively assessed civil penalty not to exceed \$49,848, or a court-imposed penalty not to exceed \$71,545, per day of violation.

If you have any questions, need technical assistance, or would like help understanding how to respond to EPA regarding this matter, please contact Nicole Foley Kraft, Supervisor, Safe Drinking Water Act Compliance Section, at (212) 637-3093 or kraft.nicole@epa.gov.

Sincerely,

**KATHLEEN
ANDERSON** Digitally signed by
KATHLEEN ANDERSON
Date: 2025.03.12
17:34:56 -04'00'

Kathleen Anderson, Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Don Hirsch, NJDEP Water & Land Use Enforcement, Don.Hirsch@dep.nj.gov

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NY 10007-1866**

IN THE MATTER OF:

Township of Pemberton
Pemberton Township Department Main
500 Pemberton-Browns Mill Road
Pemberton, NJ 08068

PWS ID. No. NJ0329004

Respondent.

Proceedings pursuant to Section 1414(g) of
the Safe Drinking Water Act, 42 U.S.C. Section
300g-3(g)

ADMINISTRATIVE ORDER

Docket No.
SDWA-02-2025-8026

I. STATUTORY AUTHORITY

The following FINDINGS are made, and ORDER issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. Section 300g-3(g) ("the Act"), and duly delegated to the Director of the Enforcement and Compliance Assurance Division of Region 2.

II. FINDINGS

1. The Township of Pemberton (hereinafter "Respondent") owns and/or operates the Pemberton Township Department Main "public water system," within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. §300f(4), and 40 C.F.R. §141.2, located in Pemberton, NJ.
2. Respondent is a "supplier of water" within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. §300f(5), and 40 C.F.R. §141.2.
3. Respondent is a "person" within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. §300f(12), and is subject to an Administrative Order ("AO") issued under Section 1414(g)(1) of the SDWA, 42 U.S.C. §300g-3(g)(1).
4. Respondent provides piped water for human consumption and regularly serves a population of at least 25 individuals year-round and is therefore a "community water system" as defined by Section 1401(15) of the SDWA, 42 U.S.C. §300f(15), and 40 C.F.R. §141.2. Respondent is, therefore, subject to the requirements of Part B of the SDWA, 42 U.S.C. §300g et seq., and its implementing regulations found at 40 C.F.R. Part 141.

5. On December 17, 2021, EPA promulgated for the fifth cycle of the Unregulated Contaminant Monitoring Regulation (“UCMR5”). The UCMR5 became effective December 27, 2021, and is regulated under 40 C.F.R. Part 141 Subparts D and E. The UCMR 5 monitoring will occur from 2022-2026 and includes monitoring for a total of 30 chemical contaminants: UCMR5 specifies monitoring for 29 per- and polyfluoroalkyl substances (PFAS) and lithium. Implementation of the UCMR5 will benefit the environment by providing EPA and other interested parties with scientifically valid data on the occurrence of these contaminants in drinking water, thereby permitting the assessment of the population potentially being exposed and the levels of that exposure. These data are the primary source of occurrence and exposure data for the EPA to determine whether to regulate these contaminants. This data will also ensure science-based decision-making and help prioritize protection of disadvantaged communities.
6. The New Jersey Department of Environmental Protection (“NJDEP”) administers the Public Water System Supervision Program in New Jersey pursuant to Section 1413 of the SDWA. The approval of primary enforcement authority from EPA to NJDEP was effective as of July 13, 1979. NJDEP is the “approved State primacy program,” as that term is defined in 40 C.F.R. §142.2. However, the UCMR5 is a regulation for which EPA retains primary enforcement responsibility as per 40 C.F.R. Part 141, Subpart E.
7. Pursuant to 40 C.F.R. §141.35(a), community public water systems serving more than 10,000 people, (including those that purchase some or all of their water supply from another public water system) must report to EPA inventory information prior to the commencement of UCMR 5 monitoring. Specifically, Respondent’s inventory information must be entered in EPA’s web-based reporting system, the “Safe Drinking Water Accession and Review System” (“SDWARS), to prepare for UCMR 5 sampling.
8. Pursuant to 40 C.F.R. §141.35(c), community public water systems serving more than 10,000 people, that meet the applicability criteria in [§141.40\(a\)\(2\)\(i\)](#), were required to comply with the reporting requirements in [paragraphs \(c\)\(1\)](#) through [\(c\)\(8\)](#) by December 31, 2022.
9. Pursuant to 40 C.F.R. §141.207, community public water systems required to monitor under UCMR 5 must notify persons served by the water system of the availability of the results of UCMR 5 sampling no later than 12 months after the monitoring results are known. Respondent must also notify persons served by the water system if the system fails to comply with the monitoring/reporting requirements of UCMR 5 in accordance with 40 C.F.R. §141.204.
10. On January 23, 2022, August 22, 2022, February 23, 2023, and August 23, 2023, EPA sent the official notification letters to Respondent regarding their obligation to comply with UCMR5 and the regulatory deadline to submit inventory information and instructions on how to access SDWARS. Specifically, public water systems are required to establish a Central Data Exchange (CDX) SDWARS account and take the following actions:
 - Read and accept your UCMR 5 Notification Letter
 - Review and, as needed, adjust sample location inventory.
 - Add zip codes associated with all customers in your service area, and
 - Review your sampling schedule.

11. Respondent's first sampling event was scheduled for May 2024. Therefore, Respondent should have reported data in SDWARS based on their monitoring schedule.
12. Pursuant to 40 C.F.R. §141.40(a)(4)(H)(i), large PWSs must arrange for testing by a laboratory that has been approved by EPA and must review, approve, and submit the system information, and sample collection data and test results.
13. Laboratories have 90 days after sample collection to report large PWS results to SDWARS and large PWSs have up to 30 days to review and approve their data (120 days total).
14. Based on information available to EPA, Respondent does not have any analytical result data in SDWARS (either approved or in PWS hold) to date.
15. EPA is issuing this Administrative Order to place the Respondent on an enforceable schedule to comply with the UCMR 5 reporting requirements of the SDWA, 40 C.F.R. Part 141, Subparts D & E and associated public notice requirements of 40 C.F.R. §141.207.

III. ORDER

Based on the foregoing FINDINGS, and pursuant to the authority of Section 1414(g) of the SDWA, EPA hereby ORDERS:

16. Within five (5) days of receipt of this Order, Respondent shall contact the UCMR5 Message Center at (UCMR5@GLEC.com) for assistance completing the reporting requirements and provide the required sampling data to EPA via SDWARS in order to comply with the UCMR5 reporting requirements, in accordance with 40 C.F.R. §141.35(c)(1) through (c)(8). In addition, please copy Region2_SDWAEnforcement@epa.gov on all correspondence with the UCMR5 Message Center.
17. Within five (5) days of receipt of this Order, Respondent shall contact the UCMR Sampling Coordinator at (UCMR_sampling_coordinator@epa.gov) if sampling has not been completed or changes to sampling schedule is required.
18. Within ten (10) days of receipt of this Order, Respondent must certify to EPA Region 2 that SDWARS requirements outlined in Paragraph 16 have been fully met or a revised sampling schedule has been established pursuant to Paragraph 17. All information required to be submitted by this Order to EPA Region 2 shall be submitted electronically via e-mail to:

Nicole Foley Kraft, Supervisor
Safe Drinking Water Act Compliance Section
U.S. Environmental Protection Agency – Region 2
Region2_SDWAEnforcement@epa.gov
(212) 637-3093

19. All notices, reports, or other submissions by Respondent shall contain the following certification:

“I certify, under penalty of law, that the information contained in or accompanying this submission is true, accurate and complete based upon representations as to accuracy and completeness made to me either orally or through submission of documentation by appropriate personnel with responsibility for the matters contained herein.”

IV. GENERAL PROVISIONS

20. Notwithstanding Respondent’s compliance with any requirement of this Order, Respondent’s failure to comply with all of the requirements of the Act and Part 141 may subject Respondent to additional enforcement action, including but not limited to judicial, administrative, and equitable actions.
21. This Administrative Order shall not prohibit, prevent, or otherwise preclude EPA from taking whatever action it deems appropriate to enforce the Act in any manner and shall not prohibit, prevent, or otherwise preclude EPA from using this Order in subsequent administrative or judicial proceedings. Nothing in this Order shall constitute a waiver, suspension, or modification of the requirements of the Act, or the rules and regulations promulgated there under which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Law.
22. The Respondent may be subject to an administrative civil penalty of up to \$49,848 pursuant to Section 1414(g)(3)(B) of the Act, 42 U.S.C. §300g-3(g)(3)(B) or a civil penalty assessed by an appropriate United States District Court that exceeds \$49,848 pursuant to Section 1414(g)(3)(C) of the Act, 42 U.S.C. §300g-3(g)(3)(C). A violation of any term of this Order may also subject the Respondent to a judicial civil penalty of up to \$ \$71,545 per day of violation pursuant to Section 1414(b) of the Act, 42 U.S.C. §300g-3(b).
23. Respondent may seek federal judicial review of the Order pursuant to Section 1448(a) of the Act, 42 U.S.C. §300j-7(a).
24. This Order does not relieve Respondent of any responsibilities or liabilities established pursuant to any applicable federal, State, or local law.
25. This Order shall take effect upon the signature of the Director, Enforcement and Compliance Assurance Division.

It is so Ordered:

KATHLEEN Digitally signed by
ANDERSON KATHLEEN ANDERSON
Date: 2025.03.12
17:35:53 -04'00'

Kathleen Anderson, Director
Enforcement and Compliance Assurance Division