



REGION 2

NEW YORK, N.Y. 10007

3/18/2025

Via Electronic Mail To: kweekly@wmua.info

Ms. Kara Weekly, Director of Operations and Maintenance
Willingboro TWP MUA
433 John F Kennedy Way
Willingboro, New Jersey 08046

**Re: Willingboro Water Pollution Control Facility
Administrative Compliance Order
Docket No. CWA-02-2025-3011
NJPDES No. NJ0023361 (Sanitary Wastewater) and NJG0156060 (5G2 General Stormwater)**

Dear Ms. Weekly:

Please find attached an Administrative Compliance Order (“Order”), which the United States Environmental Protection Agency (“EPA”), Region 2, is issuing to Willingboro TWP MUA under 309(a) of the Clean Water Act (“CWA”), 33 U.S.C. §§ 1319(a). The EPA is issuing the Order because Respondent has violated CWA Sections 301 and 402, 33 U.S.C. §§ 1311 and 1342, by failing to comply with the conditions and limitations of its New Jersey Department of Environmental Protection’s (“NJDEP”) New Jersey Pollutant Discharge Elimination System (“NJPDES”) Permit No. NJG0023361 (Sanitary Wastewater) and Permit No. NJG0156060 (5G2 General Stormwater).

Please acknowledge receipt of the Order by signing the acknowledgment page and returning the acknowledgment page by email. Failure to comply with the Order may subject you to civil or criminal penalties pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, and subject the Respondent to ineligibility for participation in work associated with Federal contracts, grants or loans.

If you have any questions regarding this Order, please contact Mr. Murray Lantner, P.E. Acting Supervisor, CWA Compliance Section (212) 637-3976, Lantner.Murray@epa.gov or Ms. Justine Modigliani, P.E., Acting Branch Manager, Water Compliance Branch, at (212) 637-4268 or modigliani.justine@epa.gov.

Sincerely,

KATHLEEN ANDERSON Digitally signed by
KATHLEEN ANDERSON
Date: 2025.03.18
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Kathleen Anderson, Director
Enforcement and Compliance Assurance Division

Internet Address (URL): <http://www.epa.gov>

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Enclosure: Inspection Report from September 25, 2024

cc: Douglas Borger, Superintendent Pollution Control, dborger@wmua.info
Charles Bisese, NJDEP - Southern Bureau, Charles.Bisese@dep.nj.gov
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Linda Ofori, Director NJDEP Div. of Water Enforcement, Linda.Ofori@dep.nj.gov
Justine Modigliani, P.E., EPA Region 2 modigliani.justine@epa.gov
Murray Lantner, P.E., EPA Region 2, lantner.murray@epa.gov
Marie StGermain, EPA Region 2, stgermain.marie@epa.gov

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Willingboro TWP MUA
433 John F Kennedy Way
Willingboro, NJ 08046

**NJPDES Permit No. NJ0023361 (Sanitary
Wastewater) and NJG0156060 (5G2
General Stormwater)**

RESPONDENT

ADMINISTRATIVE COMPLIANCE ORDER

CWA-02-2025-3011

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). 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.
2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of the 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). A State Pollutant Discharge Elimination System (“NJPDES”) permit issued by the NJDEP is required for the discharge of pollutants from point sources to a navigable water of the United States. The 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. 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. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), sets forth the requirements for industrial stormwater discharges.
10. The Administrator of EPA has promulgated regulations at 40 C.F.R. § 122.26(a)(1)(ii) and § 122.26(b)(14), which require operators to obtain a NPDES permit for stormwater discharges associated with industrial activity. The regulations at 40 C.F.R. § 122.26(b)(14) establish requirements for stormwater discharges associated with industrial activity.

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Willingboro TWP MUA (“Respondent”) is a municipality and is, therefore, a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
2. Respondent owns and operates a sanitary wastewater pollution control facility located at or near 72 Ironside Court, Beverly, New Jersey (the “Facility”).
3. As described in the paragraphs below, Respondent discharges stormwater associated with industrial activity, as defined by 40 C.F.R. § 122.26(b)(14)(ix) and Section 402(p) of the CWA, § 1342(p), from stormwater outfalls to Rancocas Creek. Additionally, Respondent is authorized to discharge treated sanitary wastewater from its wastewater treatment plant from Outfall 001A to Rancocas Creek. Treated sanitary wastewater and stormwater associated with industrial activity contain “pollutants” within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6). Respondents Stormwater Outfalls and Outfall 001A, are “point sources” within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14), that discharge to Rancocas Creek, a tributary of the Delaware River, Delaware Bay and the Atlantic Ocean, which are all “navigable waters” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7) and 40 C.F.R. § 122.2. As such, Respondent discharges pollutants within the meaning of Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

4. The NJDEP, under the authority of Section 402(b) of the CWA, 33 U.S.C § 1342(b), issued NJPDES Permit No. NJ0023361 (the “Wastewater Permit”), which authorizes the discharge of treated sanitary wastewater to the Rancocas Creek. The current version of the Permit went into effect on February 1, 2020, and will expire on January 31, 2025.
5. The NJDEP, under the authority of Section 402(b) of the CWA, 33 U.S.C § 1342(b), issued NJPDES Permit No. NJG0156060 (the “Stormwater Permit” or “5G2”), which authorizes the discharge of stormwater associated with industrial activity to the Rancocas Creek. The current version of the Permit went into effect on February 1, 2023, and will expire on January 31, 2028.
6. The Permit requirements include, but are not limited to, compliance with the effluent limitations, monitoring and reporting requirements; the Permit, Part I, also requires compliance with cited sections of New Jersey Administrative Code (NJAC) 7:14.
7. Part III of the Sanitary Wastewater Permit addresses the limits and monitoring requirements for Outfall 001A of the Site to the Rancocas Creek. As detailed below in Table 1, based upon review of EPA’s Enforcement and Compliance History Online (“ECHO”) database, which contains results of Discharge Monitoring Report (“DMR”) submittals from the facility for the period January 2019 through July 2023, the Respondent failed to comply with effluent limitations discussed in its Permit for Outfall 001 for BOD, 5-Day, fecal coliform, total suspended solids, total recoverable copper, total nitrogen ammonia, and pH.

Table 1. Willingboro TWP MUA NJPDES (NJ0023361) Permit Exceedances downloaded from EPA’s Enforcement and Compliance History Online (“ECHO”) database for the period of January 2021 through July 2024

Monitoring Period Date	Outfall	Parameter Description	Statistical Base Type	DMR Value Unit	Limit Value	DMR Value
February 2021	001-A	BOD, 5-day, 20 deg. C	MO AVG	kg/d	398	443
February 2021	001-A	Solids, total suspended	MO AVG	mg/L	30	32
February 2021	001-A	Solids, total suspended	MO AVG	kg/d	594	597
March 2021	001-A	pH	MINIMUM	SU	6	4.08
March 2021	001-A	Solids, total suspended	MO AVG	mg/L	30	33
June 2021	001-A	Coliform, fecal general	WKLY AVG	#/100mL	400	600
July 2021	001-A	Nitrogen, ammonia total (as N)	MO AVG	mg/L	11.6	14.4
September 2021	001-A	pH	MINIMUM	SU	6	5.68
November 2021	001-A	Copper, total recoverable	DAILY MX	mg/L	0.2	<10
February 2022	001-A	Copper, total recoverable	DAILY MX	mg/L	0.2	<10
March 2024	001-A	pH	MINIMUM	SU	6	5.81
April 2024	001-A	pH	MINIMUM	SU	6	5.97

8. Part I.A.1.d of the Sanitary Wastewater Permit requires that monitoring practices of the Facility be conducted in accordance with N.J.A.C. 7:14A-6.5, which states that the *“permittee shall perform all analyses in accordance with the analytical test procedures specified in 40 C.F.R. 136 or, in the case of residual use or disposal, in 40 C.F.R. 136 unless otherwise specified in 40 C.F.R. 503, or unless other test procedures have been specified in the permit...”* Following the inspection, the Site provided EPA with electronic copies of multiple lab reports. EPA noted that in the Garden State Laboratories (“GSL”) Lab Reports for July and August 2024 list the sampling method used for Total Phosphorous as “L10115014E.” This method is not approved by 40 CFR 136, nor is it a regionally approved method.

9. Part I.D.1.a of the Stormwater Permit requires that “every facility authorized under this Permit shall eliminate the exposure of source materials and/or industrial activity to stormwater discharges as required in Part 1.E.” At the time of the inspection, EPA observed an unknown wet solid substance (resembling dirt or sludge) on and surrounding a manhole above the WWTP Outfall 001 effluent line after the chlorine contact tanks, on the western portion of the Site. Additionally, when the Site representatives opened the manhole, EPA observed the same substance inside the manhole. Prior to the closing conference, the Site representatives had cleaned the manhole and the surrounding area of the substance and provided EPA with a photograph of the newly cleaned area. EPA noted two (2) stormwater catch basins in close proximity to the manhole, which have potential to receive this substance should the substance appear again.

10. Part I.E.2.a of the Stormwater Permit requires that changes to facility operations be reflected in the Stormwater Pollution Prevention Plan (“SPPP”) to ensure that the facility continues to Willingboro TWP MUA

eliminate the exposure of source materials and/or industrial activity to stormwater discharges. Following the inspection, the Site representatives provided EPA with SPPP Forms 1-9. EPA noted that all of the provided SPPP forms did not include the correct contact/team member.

11. Part I.F.2.a of the Stormwater Permit requires the permittee to include, among other things, the following in a map (drawn to scale) of the facility:
 - a. The property boundary;
 - b. Stormwater control features including but not limited to drainage patterns, stormwater conveyances (e.g. stormwater catch basins, downspouts [where there is industrial activity on the roof], overland flows, swales, ditches and channels, and storm sewer pipes), designed stormwater basins (e.g. infiltration, detention, retention) and the location of all stormwater discharge structures;

At the time of the inspection, the Site map shown to EPA did not contain the property boundary or the locations of all stormwater control features.

12. Part I.F.5.a of the Stormwater Permit states that monthly maintenance inspections shall be conducted to ensure that all BMPs identified in the SPPP are being properly implemented and/or maintained. Part I.F.5.c of the Permit states that all monthly inspection records shall be maintained onsite. At the time of the inspection, the Site representatives stated that the Site had not been conducting or documenting monthly stormwater inspections, in violation of the Stormwater Permit.

13. Part I.A.1.c of the Sanitary Wastewater Permit and Part I.K.2.b of the Stormwater Permit require that proper operation and maintenance of the Facility be conducted in accordance with NJAC 7:14A-6.12 which states, “*A permittee shall, at all times, maintain in good working order and operate the treatment works and facilities which are installed or used by the permittee to achieve compliance with the terms and conditions of the discharge permit.*” As identified during the inspection, the Facility failed to properly operate and maintain its Facility, in violation of the Permits as described below:

- a. EPA observed solids buildup on and surrounding the magnesium hydroxide tanks.
- b. EPA observed the primary and secondary trickling filter ports on the rotating arms had missing diffusers.
- c. EPA observed two (2) of the primary clarifiers had different water levels and potentially differing flow rates as well. The weirs of one of the primary clarifiers were nearly submerged by water in the effluent channel.
- d. EPA observed sludge on top of the digester roofs, indicating that sludge (and gas) had leaked or was leaking from the anaerobic digester.

14. Based upon Paragraphs 1 – 13 above, 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 acknowledgment page to the Chief, Water Compliance Branch, electronically using the email address listed in paragraph E.1, below.
2. **Within 45 calendar days of receipt of this Order**, Respondent shall submit a **Short Term Plan of Action (“Short Term POA”)** that will be implemented within 100 days of receipt of this Order, along with an expeditious schedule to properly operate and maintain the WWTP, and address the violations identified in Paragraph B.7 through B.13 of this Order (above). EPA and NJDEP reserve the right to comment and request revisions to the Short Term POA.
3. **Within 45 calendar days of receipt of this Order**, Respondent must determine the nature of the unknown wet solid substance (resembling dirt or sludge) that was inside and protruding from the manhole on the western portion of the Site at the time of the inspection described in B.9 above. Additionally, Respondent is required to determine where the substance originated and if this issue has been addressed by the installation of a new manhole/vent. If this issue has not been corrected, then it must be addressed through the Short Term POA described above.
4. **Within 45 calendar days of receipt of this Order**, Respondent shall submit a written response with the actions (including a schedule) that are being taken or will be taken to address each of the Potential Non-Compliance items and Areas of Concern identified in the enclosed inspection report from the EPA/NJDEP September 25, 2024, Compliance Evaluation Inspection (attached) that are not addressed in the Short Term POA or Long Term POA referenced below. This response should verify that the November 2021 and February 2022 copper exceedances listed in Table 1, in which the Outfall 001 copper concentration was reported to be <10 mg/l, was reported properly and provide the laboratory reports for these samples.
5. **Within 120 calendar days of receipt of this Order**, submit written certification that Respondent has implemented all corrective actions specified in the Short Term POA and is in full compliance with this Order, the Permit, and Sections 301 and 402 of the CWA as well as the Plant’s Operation and Maintenance Plan.
6. **Within 135 calendar days of receipt of this Order**, Respondent shall submit a **Long Term Plan of Action (“Long Term POA”)** that sets forth an expeditious schedule for compliance with interim milestones, the completion of plant upgrades, and Short Term Plan of Action items not completed, that will allow the Facility to achieve consistent operational compliance and full compliance with the Permit. This Long Term POA should include significant upgrades to refurbish the anaerobic digesters, the SCADA system, continuous monitoring equipment at the outfall, and clarifiers. EPA and NJDEP reserve the right to comment and request revisions to the proposed schedule within 60 days of submittal.

7. **Within 30 days of the completion of the Long Term POA**, submit written certification that Respondent has implemented and commenced operation of all proposed units specified in the Long Term POA, and is in full compliance with the Permit and Sections 301 and 402 of the CWA. If compliance with paragraph C.6 has not been achieved, submit a detailed report indicating the reasons for noncompliance and the schedule for attaining compliance with this Order. If the Short Term POA achieves consistent compliance, then this certification for the Long Term POA shall be submitted within 135 days and identify that a Long Term POA is not needed to achieve consistent compliance.
8. **Within 30 days of the close of each Calendar Quarter** (April 30, July 31, October 31, January 31) and continuing until implementation/completion of the Short Term and Long-Term POA, submit quarterly reports containing the status of Permit compliance and the implementation status of the Short Term and Long Term POAs required under paragraphs C.2 and C.6 above.

D. GENERAL PROVISIONS

9. All information or documents required to be submitted by Respondent as part of this Order shall be sent by certified mail or its equivalent, or by electronic submission, to the following addresses (electronic submission to EPA is preferred):

Justine Modigliani, P.E., Acting Branch Manager
Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2
290 Broadway, 21st Floor
New York, New York 10007
modigliani.justine@epa.gov with copy to asselin.daniel@epa.gov

and

Carlton Dudley, Director NJDEP Div. of Water Enforcement,
Carlton.Dudley@dep.nj.gov. with copies to Charles.Bisese@dep.nj.gov and
Brett.Callanan@dep.nj.gov

2. 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, pursuant to 40 C.F.R. § 122.22:

“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 20 days from the date of receipt of this Order, to confer regarding the Ordered Provisions, with the following designated Agency representative:

Justine Modigliani, P.E., Acting Branch Manager
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

4. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701-706. Section 706 of the APA 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 \$68,445.00 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.
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: 3/18/25 Signed: KATHLEEN ANDERSON
Kathleen Anderson, Director
Enforcement and Compliance Assurance Division

Digitally signed by
KATHLEEN ANDERSON
Date: 2025.03.18
16:08:51 -04'00'

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Willingboro TWP MUA
433 John F Kennedy Way
Willingboro, NJ 08046

**NJPDES Permit No. NJ0023361 (Sanitary
Wastewater) and NJG0156060 (5G2
General Stormwater)**

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

RESPONDENT

ADMINISTRATIVE COMPLIANCE ORDER

CWA-02-2025-3011

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER**

I, _____, an officer of Willingboro TWP MUA, with
the title of, _____, do hereby acknowledge the receipt of the
copy of the ADMINISTRATIVE COMPLIANCE ORDER,
CWA-02-2025-3011.

DATE: _____

SIGNED: _____