



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER RESOURCE MANAGEMENT
OFFICE OF THE ASSISTANT COMMISSIONER
401 East State Street

PHILIP D. MURPHY
Governor

P.O. Box 402, Mail Code 401-02A
Trenton, New Jersey 08625-0420
Tel. (609) 292-4543 • Fax (609) 292-0913
www.nj.gov/dep

SHAWN M. LATOURETTE
Commissioner

TAHESHA L. WAY
Lt. Governor

IN THE MATTER OF	:	ADMINISTRATIVE ORDER
	:	AND
CITY OF TRENTON and	:	NOTICE OF CIVIL ADMINISTRATIVE
TRENTON WATER WORKS	:	PENALTY ASSESSMENT
	:	

EA ID# PEA240013 – PI ID# 1111001

This Administrative Order and Notice of Civil Administrative Penalty Assessment (“AONOCAPA”) is issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (“NJDEP” or the “Department”) by N.J.S.A. 13:1D-1 et seq., the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., the Safe Drinking Water Act Regulations, N.J.A.C. 7:10-1 et seq., the National Primary Drinking Water Regulations, 40 CFR 141, and duly delegated to the Assistant Commissioner of Water Resource Management pursuant to N.J.S.A.13:1B-4.

FINDINGS

1. The City of Trenton (“City”) and Trenton Water Works (“TWW”), a self-financing department of the City, own and operate a public water system, as defined by N.J.A.C. 7:10-1.3, which has the Public Water System Identification No. 1111001 (the “System”) and is located in the City of Trenton, New Jersey.
2. As a public water system, the System is subject to the New Jersey Safe Drinking Water Act at N.J.S.A. 58:12A-1 et seq. and its implementing regulations at N.J.A.C. 7:10-1 et seq.

3. New Jersey has incorporated by reference the National Primary Drinking Water Regulations at 40 C.F.R. Part 141 (“National Regulations”). N.J.A.C. 7:10-5.1.
4. The City and TWW are “persons” as defined in N.J.A.C. 7:10-1.3.
5. The System diverts raw water from the Delaware River through intake pumps to its water treatment plant. The water treatment plant consists of sand separators, SuperPulsators, chemical feeds, chlorine contact basins for disinfection, and a filtration process. Treated finished water is then pumped from the water treatment plant into the distribution system.
6. The System provides water to more than 200,000 people in Trenton, as well as portions of four surrounding municipalities in Mercer County: Ewing Township, Hamilton Township, Hopewell Township, and Lawrence Township. Accordingly, the System is a large water system as defined by N.J.A.C. 7:10-3.6(e).
7. On or about November 14, 2023, TWW notified the Department that it had suspended one of its lab sample collectors (the “Sampler”) without pay. Throughout various additional communications, TWW provided the following incident details to the Department.
8. The Sampler began their employment with TWW as a sample collector on or about November 30, 2022.
9. The Sampler’s responsibilities included collecting water samples at several different sampling sites throughout the System’s distribution system. The Sampler mainly collected water samples used to satisfy the System’s requirements under the National Regulations as outlined in more detail below. The Sampler used a City vehicle to navigate to each sampling site.
10. On or about November 1, 2023, TWW was notified by a citizen that a City vehicle was often observed parked near the Sampler’s residence for long periods of the work day.
11. On or about November 2, 2023, a TWW employee drove past the Sampler’s residence during the time when the Sampler should have been in the field collecting samples and observed the City vehicle parked near the Sampler’s residence.
12. Subsequently, TWW investigated further and observed that the Sampler would return to their residence and remain there during the hours that they were supposed to be collecting samples from the System’s distribution system sampling points.
13. Based on the incident outlined in paragraphs six (6) through eleven (11) above, the Department in concert with a third-party consultant, investigated the veracity of TWW’s required distribution system sample monitoring.
14. TWW is required to collect, at least, 120 microbiological samples per month under the Revised Total Coliform Rule, 120 disinfectant residuals to be collected at the same time and location as the required microbiological samples, 18 disinfection byproduct samples

per quarter, 5 iron and manganese samples per year, and several water quality parameter samples per year. *See* 40 C.F.R. 141.857; 40 C.F.R. 141.74; 40 C.F.R. 141.621; 40 C.F.R. 141.87; and N.J.A.C. 7:10-7.3.

15. The Department evaluated 2,172 sampling events over the thirteen-month period beginning on November 1, 2022, and ending on November 30, 2023.
16. The Department reviewed GPS location information for City vehicles provided to TWW samplers (where available) and/or chain of custody (“COC”) documentation for each of the 2,172 sampling events (where available).
17. Only 945 of the sampling events had GPS locational data for a sampler’s City vehicle. Of these 945 sampling events, the GPS data could not confirm that a sampler’s City vehicle was at the appropriate sampling site during the time the sample was taken for 190 sampling events. Accordingly, these 190 sampling events were invalidated. Notably, 99% (188 out of 190) of these sampling events were linked to the Sampler. Accordingly, the Department has invalidated all samples collected by the Sampler – accounting for 1,223 total sampling events.
18. Furthermore, for 148 sampling events of the 945 sampling events identified in paragraph sixteen (16), GPS data for the sampling vehicle demonstrated that the sampling vehicle was not at the sampling site during the time recorded on the COC document. Accordingly, these 148 sampling events were invalidated.
19. For 90 sampling events analysis is outsourced to an external laboratory and not conducted at TWW’s facility. Therefore, two sets of COC documents were reviewed: one completed by TWW upon sample collection, and another provided to the contracted laboratory. The sample collector information was inconsistent across all sampling events. That is, each set of COC documents listed different individuals as the sample collector without proper documentation of a custody transfer. Accordingly, these 90 sampling events were invalidated.
20. Finally, 197 sampling events, of the total 2,172 sampling events, were invalidated due to the inability of TWW to supply the Department with COC documentation.
21. Based on the forgoing, the Department invalidated 1,660 sampling events out of the total 2,172 sampling events. That is, all 1,223 sampling events conducted by the Sampler, two sampling events where GPS locational data could not confirm that a sampler’s City vehicle was at the sampling site, 148 sampling events where the City vehicle GPS data and the sampling time on the COC document did not match, 90 sampling events where COC discrepancies were identified and 197 sampling events where no COC documentation was available. This correlates to 1,570 invalid total coliform samples, 1,570 invalid chlorine residual samples, 603 invalid disinfection byproducts samples, 1114 invalid water quality parameter samples, and 22 invalid iron/manganese samples.
22. As a result of the data integrity investigation and sampling invalidation outlined in

paragraphs twelve (12) through twenty-one (21), the following violations of the National Regulations and Safe Drinking Water Act rules were identified:

- A. Requirement: Pursuant to 40 CFR 141.132(c)(1), public water systems that use chlorine or chloramines must measure the disinfectant residual level in the distribution system at the same time and place as total coliforms are sampled as specified in 40 CFR 141.854 through 141.858 and submit a compliance sampling report to the Department within ten days after the end of each quarter in which samples were collected in accordance with 40 CFR 141.134(a).

Description of Noncompliance: TWW failed to collect at least 90% of the required samples as specified in 40 CFR 141.132(c)(1) during the following monitoring periods, each constituting its own violation.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
11/1/2022 – 11/30/2022	DISTRIBUTION SYSTEM
12/1/2022 – 12/31/2022	DISTRIBUTION SYSTEM
1/1/2023 – 1/31/2023	DISTRIBUTION SYSTEM
2/1/2023 – 2/28/2023	DISTRIBUTION SYSTEM
3/1/2023 – 3/31/2023	DISTRIBUTION SYSTEM
4/1/2023 – 4/30/2023	DISTRIBUTION SYSTEM
5/1/2023 – 5/31/2023	DISTRIBUTION SYSTEM
6/1/2023 – 6/30/2023	DISTRIBUTION SYSTEM
7/1/2023 – 7/31/2023	DISTRIBUTION SYSTEM
8/1/2023 – 8/31/2023	DISTRIBUTION SYSTEM
9/1/2023 – 9/30/2023	DISTRIBUTION SYSTEM
10/1/2023 – 10/31/2023	DISTRIBUTION SYSTEM
11/1/2023 – 11/30/2023	DISTRIBUTION SYSTEM

- B. Requirement: Pursuant to 40 CFR 141.621(a), public community and non-transient non-community water systems which add a chemical disinfectant to the water or delivers drinking water that has been treated with a chemical disinfectant must monitor for disinfection byproducts (both Total Trihalomethanes and Haloacetic Acids) in accordance with 40 CFR 141.621(a) and submit a compliance sampling report to the Department within the first ten days of the month following the month in which any test, measurement, or analysis is made, or the first ten days following the end of the required monitoring period, whichever of these is shortest in accordance with N.J.A.C. 7:10-5.4(a), 40 CFR 141.132(b), and 40 CFR 141.621(a).

Description of Noncompliance: TWW failed to monitor for disinfection byproducts (both Total Trihalomethanes and Haloacetic Acids) during the following monitoring periods, each constituting its own violation.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
10/1/2022 – 12/31/2022	DISTRIBUTION SYSTEM
1/1/2023 – 3/31/2023	DISTRIBUTION SYSTEM
4/1/2023 – 6/30/2023	DISTRIBUTION SYSTEM
7/1/2023 – 9/30/2023	DISTRIBUTION SYSTEM
10/1/2023 – 12/31/2023	DISTRIBUTION SYSTEM

- C. Requirement: Pursuant to 40 CFR 141.74(c)(3), public water systems that use chlorine or chloramines must measure the disinfectant residual level in the distribution system at the same time and place as total coliforms are sampled as specified in 40 CFR 141.854 through 141.858 and submit a compliance sampling report to the Department within ten days after the end of each month that the system serves water to the public in accordance with 40 CFR 141.75(b)(2).

Description of Noncompliance: TWW failed to collect the required samples as specified in 40 CFR 141.74(c)(3) during the following monitoring periods, each constituting its own violation.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
11/1/2022 – 11/30/2022	DISTRIBUTION SYSTEM
12/1/2022 – 12/31/2022	DISTRIBUTION SYSTEM
1/1/2023 – 1/31/2023	DISTRIBUTION SYSTEM
2/1/2023 – 2/28/2023	DISTRIBUTION SYSTEM
3/1/2023 – 3/31/2023	DISTRIBUTION SYSTEM
4/1/2023 – 4/30/2023	DISTRIBUTION SYSTEM
5/1/2023 – 5/31/2023	DISTRIBUTION SYSTEM
6/1/2023 – 6/30/2023	DISTRIBUTION SYSTEM
7/1/2023 – 7/31/2023	DISTRIBUTION SYSTEM
8/1/2023 – 8/31/2023	DISTRIBUTION SYSTEM
9/1/2023 – 9/30/2023	DISTRIBUTION SYSTEM
10/1/2023 – 10/31/2023	DISTRIBUTION SYSTEM
11/1/2023 – 11/30/2023	DISTRIBUTION SYSTEM

- D. Requirement: Pursuant to 40 CFR 141.860(c)(1), public water systems must monitor for total coliforms at a frequency specified in 40 CFR 141.853 et seq.

Description of Noncompliance: TWW failed to monitor for total coliforms at the frequency specified in 40 CFR 141.853 et seq. during the following monitoring periods, each constituting its own violation.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
11/1/2022 – 11/30/2022	DISTRIBUTION SYSTEM
12/1/2022 – 12/31/2022	DISTRIBUTION SYSTEM

1/1/2023 – 1/31/2023	DISTRIBUTION SYSTEM
2/1/2023 – 2/28/2023	DISTRIBUTION SYSTEM
3/1/2023 – 3/31/2023	DISTRIBUTION SYSTEM
4/1/2023 – 4/30/2023	DISTRIBUTION SYSTEM
5/1/2023 – 5/31/2023	DISTRIBUTION SYSTEM
6/1/2023 – 6/30/2023	DISTRIBUTION SYSTEM
7/1/2023 – 7/31/2023	DISTRIBUTION SYSTEM
8/1/2023 – 8/31/2023	DISTRIBUTION SYSTEM
9/1/2023 – 9/30/2023	DISTRIBUTION SYSTEM
10/1/2023 – 10/31/2023	DISTRIBUTION SYSTEM
11/1/2023 – 11/30/2023	DISTRIBUTION SYSTEM

- E. Requirement: Pursuant to 40 CFR 141.87, public community and non-transient, non-community water systems must monitor for water quality parameters at a frequency specified in 40 CFR 141.87 and submit a compliance sampling report to the Department within the first ten days of the month following the month in which any test, measurement, or analysis is made, or the first ten days following the end of the required monitoring period, whichever of these is shortest, in accordance with N.J.A.C. 7:10-5.4(a), 40 CFR 141.87, and 40 CFR 141.90.

Description of Noncompliance: TWW failed to monitor for water quality parameters during the following monitoring periods, each constituting its own violation.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
1/1/2023 – 6/30/2023	DISTRIBUTION SYSTEM
7/1/2023 – 12/31/2023	DISTRIBUTION SYSTEM

- F. Requirement: Pursuant to N.J.A.C. 7:10- 7.3(c), public community water systems must monitor for iron and manganese from the distribution system and submit a compliance sampling report to the Department within the first ten days of the month following the month in which any test, measurement, or analysis is made, or the first ten days following the end of the required monitoring period, whichever of these is shortest, in accordance with N.J.A.C. 7:10-5.4(a).

Description of Noncompliance: TWW failed to monitor for iron and/or manganese from the distribution system as specified in N.J.A.C 7:10-7.3(c) during the following monitoring period.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
1/1/2023-12/31/2023	DISTRIBUTION SYSTEM

23. Based on the facts set forth in these FINDINGS, the Department has determined that TWW has violated the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., the Safe

Drinking Water Act rules, N.J.A.C. 7:10-1 et seq., and the National Regulations, 40 C.F.R. Part 141.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

24. TWW shall fully comply with the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., the Safe Drinking Water Act rules, N.J.A.C. 7:10-1 et seq., and the National Regulations, 40 C.F.R. Part 141.
25. Within thirty (30) days of receiving this AONOCAPA, TWW shall submit to the Department a Remedial Action Plan describing the corrective measures it has taken and will take in response to this incident.
26. TWW shall completed and distributed a Tier 2 public notification in accordance with 40 C.F.R. 141.201 et seq. no later than thirty (30) days after receiving an approved draft public notification from the Department.
27. TWW shall submit to the Department a representative copy of the completed and distributed Tier 2 public notification within ten (10) days of completing the public notification. In addition, TWW shall submit to the Department a completed Public Notification Certification Form (DEP_10-F_00008.1, previously BDSW-53) in accordance with 40 C.F.R. 141.31(d).
28. This AONOCAPA shall be effective upon receipt by TWW or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

AND

NOTICE OF RIGHT TO A HEARING

29. Pursuant to N.J.S.A. 58:12A-1 et seq. and N.J.A.C. 7:10-1 et seq., and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against TWW in the amount of **\$235,000.00**. The Department's rationale for the civil administrative penalty is set forth in Appendix A of this AONOCAPA, which is attached hereto and incorporated herein by reference.
30. Pursuant to N.J.S.A. 58:12A-10 and N.J.A.C. 7:10-3.5 et seq., TWW is entitled to request an administrative hearing. To request a hearing, TWW shall complete and submit to the Department the herein ADMINISTRATIVE HEARING REQUEST AND CHECKLIST

TRACKING FORM, along with all required information, to the Office of Administrative Hearings and Dispute Resolution within thirty-five (35) calendar days from the receipt of this AONOCAPA. Submittal or granting of a hearing request does not stay the terms or effect of this ORDER.

31. If no request for a hearing is received within thirty-five (35) calendar days from receipt of this AONOCAPA, it shall become a Final Order upon the thirty-sixth (36th) calendar day following its receipt, and the penalty shall be due and payable.
32. If a timely request for a hearing is received, payment of the penalty is due when TWW receives a notice of the denial of the request, or, if the hearing request is granted, when TWW withdraws the request or abandons the hearing, or, if the hearing is conducted, when Trenton TWW receives a final decision from the Commissioner in this matter.
33. Payment shall be made by check payable to “Treasurer, State of New Jersey” and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

34. This AONOCAPA is binding on TWW their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
35. TWW shall submit all documents required by this AONOCAPA by certified mail, return receipt requested or by hand delivery to:

Bryan Barrett, Chief
New Jersey Department of Environmental Protection
Southern Bureau of Water Compliance and Enforcement
2 Riverside Drive, Suite 201
Camden, New Jersey 08103
E-Mail: bryan.barrett@dep.nj.gov

and

Kristin Tedesco, Chief
New Jersey Department of Environmental Protection
Division of Water Supply and Geoscience

Bureau of Water System Engineering
Mail Code: 401-04Q, P.O. Box 420
401 East State Street
Trenton, New Jersey 08625
E-Mail: Kristin.Tedesco@dep.nj.gov

However, penalty payments shall be delivered to the address referenced in paragraph thirty-three (33) above.

36. No obligations imposed by this AONOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.
37. This AONOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove. Violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, the Department does not waive its rights to initiate additional enforcement actions.
38. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve TWW of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
39. Pursuant to N.J.S.A. 58:12A-10(b), any person who violates the provisions of the New Jersey Safe Drinking Water Act, any regulation, rule, permit, or order adopted or issued by the Department pursuant thereto, or an administrative order or court order issued pursuant to the Act, or who fails to pay an administrative penalty in full pursuant to N.J.A.C. 7:10-3.4(b), or who fails to make a payment pursuant to a penalty payment schedule entered into with the Department, or who knowingly makes any false or misleading statement on any application, record, report, or other document required to be submitted to the Department, shall be subject, upon order of a court, to a civil penalty of not more than \$25,000 for each violation, and each day during which a violation continues shall constitute an additional, separate, and distinct violation.

40. Pursuant to N.J.S.A. 58:12A-10(a), the Department may institute an action or proceeding in Superior Court for injunctive and other relief for any violation of the Act, or any regulation, rule, permit, or order adopted or issued by the Department pursuant thereto, and the court may proceed in the action in a summary manner. In addition, pursuant to N.J.A.C. 7:10-3.10, to any civil penalty or civil administrative penalty imposed or assessed, the Department may assess the economic benefit (in dollars) that the violator has realized as a result of not complying, or by delaying compliance, with the requirements of the State Act or any rule, administrative order or permit issued pursuant thereto.

DATE: September 30, 2024

Patricia Gardner, Assistant Commissioner
Water Resource Management

Administrative Hearing Request Checklist and Tracking Form

I. Document Being Appealed: EA ID# PEA240013 – PI ID# 1111001

Date Document Issued

II. Person Requesting Hearing (Each Respondent named in the Enforcement Document, who wants to Contest the Enforcement Document must individually file a hearing request):

Name/Company

Name of Attorney (if applicable)

Address

Address

Telephone #

Telephone #

III. Please Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document;
- B. **A copy of the Enforcement Document** and a list of all issues being appealed;
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed, and dated with all of the information listed above, including attachment, to:

1. New Jersey Department of Environmental Protection
Office of Administrative Hearings and Dispute Resolution
ATTENTION: Adjudicatory Hearing Requests
401 E. State Street
Mail Code 401-07
P.O. Box 420
Trenton, New Jersey 08625-0420
2. Bryan Barrett, Chief
Division of Water Enforcement,
Southern Region
2 Riverside Drive, Suite 201
Camden, New Jersey 08103
3. All co-permittees (w/attachments)

IV. Signature: _____

Date:

APPENDIX A--- PENALTY RATIONALE

TRENTON WATER WORKS PWSID # 1111001

As stated in the FINDINGS above, Trenton Water Works (“TWW”) has violated the Safe Drinking Water Act (“SDWA”), N.J.S.A. 58:12A-1 et seq., the regulations promulgated pursuant thereto, N.J.A.C. 7:10-1 et seq., and the National Primary Drinking Water Regulations, 40 C.F.R. Part 141.

Pursuant to N.J.A.C. 7:10-3.6, the Department may assess a civil administrative penalty for each violation of the provisions of the New Jersey Safe Drinking Water Act, or any regulation promulgated pursuant thereto. Accordingly, the Department assesses the following civil administrative penalties against TWW.

CIVIL ADMINISTRATIVE PENALTY DETERMINATION

Pursuant to N.J.A.C. 7:10-3.6(c), in assessing civil administrative penalties for violations of the SDWA, or any regulation promulgated pursuant thereto, the Department must determine the level of the offense, the seriousness of the violation and the type of water system involved, and set the penalty at the amount within the matrix in N.J.A.C. 7:10-3.6(f), unless it is adjusted pursuant to N.J.A.C. 7:10-3.6(g).

Pursuant to N.J.A.C. 7:10-3.6(c)1, the Department shall first identify the level of the offense as defined in N.J.A.C. 7:10-1.3. A first offense is defined as “a violation for which there is no prior similar violation.” N.J.A.C. 7:10-1.3. Furthermore, a prior similar violation is defined as a prior violation that (1) is within the same category of violation listed in N.J.A.C. 7:10-3.6(d) 1, (d)2 or (d)3; (2) has been cited by the Department in an administrative order and/or notice of civil administrative penalty assessment issued to the violator; and (3) was not corrected within the amount of time stated in the administrative order and/or notice of civil administrative penalty assessment. For each of the violations outlined below, the Department has determined there are no prior similar violations and therefore each violation listed below is set at the First Offense level.

Pursuant to N.J.A.C. 7:10-3.6(d)1, major seriousness shall apply to any violation that has caused or has the potential to cause serious harm to human health or which seriously deviates from the requirements of the State Act, or any regulation, rule, permit, or order adopted or issued pursuant thereto. Here, as stated in the FINDINGS, TWW failed to monitor several parameters throughout its distribution system over the course of a year. The monitoring of these parameters is required by law and regulation and by not monitoring for these parameters there was a potential to cause serious harm to the health of TWW’s customers. Accordingly, the Department finds that this failure to monitor is of major seriousness. Furthermore, pursuant to N.J.A.C. 7:10-3.6(d)1i, the falsification or tampering with any monitoring device or method required to be maintained under

the SDWA or any regulation, rule, permit, or order adopted or issued thereto shall be considered a violation of major seriousness. Here, as presented fully in the FINDINGS, TWW's employee was found to be falsifying his sample collections which were part of TWW's required monitoring methods. Accordingly, the Department finds that these violations are of major seriousness.

Pursuant to N.J.A.C. 7:10-3.6(e), a large water system is a system that serves a population greater than 10,000. TWW serves a population of more than 200,000 people. Accordingly, the Department finds that TWW is a large water system.

Pursuant to N.J.A.C. 7:10-3.6(f)1, for a first offense, the Department shall assess a base penalty of \$5,000 when the violation is of major seriousness and the water system is a large water system. Accordingly, the Department assesses a \$5,000 penalty for each of the violations below.

Violations

Pursuant to 40 CFR 141.132(c)(1), public water systems that use chlorine or chloramines must measure the disinfectant residual level in the distribution system at the same time and place as total coliforms are sampled as specified in 40 CFR 141.854 through 141.858 and submit a compliance sampling report to the Department within ten days after the end of each quarter in which samples were collected in accordance with 40 CFR 141.134(a).

As a result of the Department's data invalidation, TWW failed to collect at least 90% of the required samples as specified in 40 CFR 141.132(c)(1) during the following monitoring periods, each constituting its own violation.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
11/1/2022 – 11/30/2022	DISTRIBUTION SYSTEM
12/1/2022 – 12/31/2022	DISTRIBUTION SYSTEM
1/1/2023 – 1/31/2023	DISTRIBUTION SYSTEM
2/1/2023 – 2/28/2023	DISTRIBUTION SYSTEM
3/1/2023 – 3/31/2023	DISTRIBUTION SYSTEM
4/1/2023 – 4/30/2023	DISTRIBUTION SYSTEM
5/1/2023 – 5/31/2023	DISTRIBUTION SYSTEM
6/1/2023 – 6/30/2023	DISTRIBUTION SYSTEM
7/1/2023 – 7/31/2023	DISTRIBUTION SYSTEM
8/1/2023 – 8/31/2023	DISTRIBUTION SYSTEM
9/1/2023 – 9/30/2023	DISTRIBUTION SYSTEM
10/1/2023 – 10/31/2023	DISTRIBUTION SYSTEM
11/1/2023 – 11/30/2023	DISTRIBUTION SYSTEM

13 violations x \$5,000 = \$65,000

Pursuant to 40 CFR 141.621(a), public community and non-transient non-community water systems which add a chemical disinfectant to the water or delivers drinking water that has been treated with a chemical disinfectant must monitor for disinfection byproducts (both Total Trihalomethanes and Haloacetic Acids) in accordance with 40 CFR 141.621(a) and submit a compliance sampling report to the Department within the first ten days of the month following the month in which any test, measurement, or analysis is made, or the first ten days following the end of the required monitoring period, whichever of these is shortest in accordance with N.J.A.C. 7:10-5.4(a), 40 CFR 141.132(b), and 40 CFR 141.621(a).

As a result of the Department's data invalidation, TWW failed to monitor for disinfection byproducts (both Total Trihalomethanes and Haloacetic Acids) during the following monitoring periods, each constituting its own violation.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
10/1/2022 – 12/31/2022	DISTRIBUTION SYSTEM
1/1/2023 – 3/31/2023	DISTRIBUTION SYSTEM
4/1/2023 – 6/30/2023	DISTRIBUTION SYSTEM
7/1/2023 – 9/30/2023	DISTRIBUTION SYSTEM
10/1/2023 – 12/31/2023	DISTRIBUTION SYSTEM

$5 \text{ violations} \times \$5,000 = \$25,000$

Pursuant to 40 CFR 141.74(c)(3), public water systems that use chlorine or chloramines must measure the disinfectant residual level in the distribution system at the same time and place as total coliforms are sampled as specified in 40 CFR 141.854 through 141.858 and submit a compliance sampling report to the Department within ten days after the end of each month that the system serves water to the public in accordance with 40 CFR 141.75(b)(2).

As a result of the Department's data invalidation, TWW failed to collect the required samples as specified in 40 CFR 141.74(c)(3) during the following monitoring periods, each constituting its own violation.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
11/1/2022 – 11/30/2022	DISTRIBUTION SYSTEM
12/1/2022 – 12/31/2022	DISTRIBUTION SYSTEM
1/1/2023 – 1/31/2023	DISTRIBUTION SYSTEM
2/1/2023 – 2/28/2023	DISTRIBUTION SYSTEM
3/1/2023 – 3/31/2023	DISTRIBUTION SYSTEM
4/1/2023 – 4/30/2023	DISTRIBUTION SYSTEM

5/1/2023 – 5/31/2023	DISTRIBUTION SYSTEM
6/1/2023 – 6/30/2023	DISTRIBUTION SYSTEM
7/1/2023 – 7/31/2023	DISTRIBUTION SYSTEM
8/1/2023 – 8/31/2023	DISTRIBUTION SYSTEM
9/1/2023 – 9/30/2023	DISTRIBUTION SYSTEM
10/1/2023 – 10/31/2023	DISTRIBUTION SYSTEM
11/1/2023 – 11/30/2023	DISTRIBUTION SYSTEM

13 violations x \$5,000 = \$65,000

Pursuant to 40 CFR 141.860(c)(1), public water systems must monitor for total coliforms at a frequency specified in 40 CFR 141.853 et seq.

As a result of the Department’s data invalidation, TWW failed to monitor for total coliforms at the frequency specified in 40 CFR 141.853 et seq. during the following monitoring periods, each constituting its own violation.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
11/1/2022 – 11/30/2022	DISTRIBUTION SYSTEM
12/1/2022 – 12/31/2022	DISTRIBUTION SYSTEM
1/1/2023 – 1/31/2023	DISTRIBUTION SYSTEM
2/1/2023 – 2/28/2023	DISTRIBUTION SYSTEM
3/1/2023 – 3/31/2023	DISTRIBUTION SYSTEM
4/1/2023 – 4/30/2023	DISTRIBUTION SYSTEM
5/1/2023 – 5/31/2023	DISTRIBUTION SYSTEM
6/1/2023 – 6/30/2023	DISTRIBUTION SYSTEM
7/1/2023 – 7/31/2023	DISTRIBUTION SYSTEM
8/1/2023 – 8/31/2023	DISTRIBUTION SYSTEM
9/1/2023 – 9/30/2023	DISTRIBUTION SYSTEM
10/1/2023 – 10/31/2023	DISTRIBUTION SYSTEM
11/1/2023 – 11/30/2023	DISTRIBUTION SYSTEM

13 violations x \$5,000 = \$65,000

Pursuant to 40 CFR 141.87, public community and non-transient, non-community water systems must monitor for water quality parameters at a frequency specified in 40 CFR 141.87 and submit a compliance sampling report to the Department within the first ten days of the month following the month in which any test, measurement, or analysis is made, or the first ten days following the end of the required monitoring period, whichever of these is shortest, in accordance with N.J.A.C. 7:10-5.4(a), 40 CFR 141.87, and 40 CFR 141.90.

As a result of the Department's data invalidation, TWW failed to monitor for water quality parameters during the following monitoring periods, each constituting its own violation.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
1/1/2023 – 6/30/2023	DISTRIBUTION SYSTEM
7/1/2023 – 12/31/2023	DISTRIBUTION SYSTEM

$$2 \text{ violations} \times \$5,000 = \$10,000$$

Pursuant to N.J.A.C. 7:10- 7.3(c), public community water systems must monitor for iron and manganese from the distribution system and submit a compliance sampling report to the Department within the first ten days of the month following the month in which any test, measurement, or analysis is made, or the first ten days following the end of the required monitoring period, whichever of these is shortest, in accordance with N.J.A.C. 7:10-5.4(a).

As a result of the Department's data invalidation, TWW failed to monitor for iron and/or manganese from the distribution system as specified in N.J.A.C 7:10-7.3(c) during the following monitoring period.

<i>Monitoring Period</i>	<i>Sample Point ID</i>
1/1/2023-12/31/2023	DISTRIBUTION SYSTEM

$$1 \text{ violation} \times \$5,000 = \$5,000$$

$$\textbf{Total Penalty} = \$235,000$$