

Resolution 10-039

RESOLUTION TO ADOPT AMENDMENTS TO THE
ROCKAWAY VALLEY REGIONAL SEWERAGE
AUTHORITY SERVICE RULES TO AMEND THE
SERVICE RULES FOR THE ESTABLISHMENT OF AN
UNALLOCATED USER CHARGE FEE AND
MODIFICATIONS RELATIVE TO CHANGES IN FEDERAL
AND STATE LAW REGARDING STREAMLINING AND
THE ESTABLISHMENT OF GRACE PERIODS

WHEREAS, the Rockaway Valley Regional Sewerage Authority (hereinafter "the Authority") is authorized by the Sewerage Authorities Law [N.J.S.A. 40:14A-7(11)] to make and enforce rules and regulations for the management and regulation of its business and affairs and/or the use, maintenance, and operation of the sewerage system and any other of its properties and to amend the same; and

WHEREAS, the Authority is a Delegated Local Agency of the New Jersey Department of Environmental Protection and administers an industrial pretreatment program within the service area of the Authority; and

WHEREAS, due to changes in the regulations, it has become necessary that the Rockaway Valley Regional Sewerage Authority ("RVRSA") propose revisions to its Service Rules Addendum, entitled, *Regulations Concerning Industrial Users and General Sewer Use Requirements* ("RVRSA Service Rules Addendum"); and

WHEREAS, it is necessary and desirable to amend a portion of the Service Rules to update certain provisions and to reflect changes in regulatory and procedural practices relevant to Streamlining, pursuant to requirements contained in Title 40 of the Code of Federal Regulations (CFR) Section 403, and further codified at N.J.A.C. 7:14A-19.1 et seq., and also to amend the Service Rules to include those regulations contained in N.J.A.C. 7:14A-19.3(d) regarding the establishment of Grace Periods due to changes in the regulations governing the availability of grace periods for minor violations of the requirements applicable to discharges to publicly owned treatment works, and further to amend the Service Rules, in conformance with

N.J.S.A. 40:14A-7(13), the Authority finds that it is in the public interest to condition industrial flow allocations upon the payment of a fee for the allocation of flow that is unused by the industrial discharger so as to ensure that flow allocations are utilized and not retained without cause thereby impeding the Authority's ability to allocate flow within the service area of the Authority to others desirous of the use of limited capacity of the wastewater treatment system; as well as, to revise the Service Rules to provide for a Penalty for the Destruction of Records in accord with N.J.A.C. 7:14-8.14; and

WHEREAS, pursuant to N.J.A.C. 7:14A-1 et seq., these changes must be reviewed and approved for publication by the Bureau of Pretreatment and Residuals, New Jersey Department of Environmental Protection ("Department"); and

WHEREAS, these modifications were reviewed by the New Jersey Department of Environmental Protection (NJDEP), and by letters dated March 11, 2009, and March 9, 2010, attached hereto and made a part hereof as Schedule A, from Mary Jo M. Aiello, Chief, NJDEP, Bureau of Pretreatment and Residuals, the NJDEP has approved the Service Rules for adoption; and

WHEREAS, in accordance with requirements promulgated at N.J.A.C. 7:14A-19.10, public notice was published in the Daily Record on June 13th and September 3rd, 2009, April 24th, 2010 and written notice provided to the industrial dischargers to the RVRSA System, and an opportunity for public comment was provided regarding those proposed revisions to the Service Rules as required by law; and

WHEREAS, pursuant to the Service Contract between the Rockaway Valley Regional Sewerage Authority ("RVRSA") and its Member Municipalities dated July, 1976, RVRSA is required to hold a public hearing thereon upon public notice.

NOW, THEREFORE, BE IT RESOLVED, by the Rockaway Valley Regional Sewerage Authority as follows:

1. The Executive Director is hereby authorized and directed to publish notice of the adoption of revisions to the RVRSA's Service Rules in the Daily Record and to provide to the industrial dischargers to the RVRSA System written notice of the same.

2. The Executive Director is hereby authorized and directed to submit a copy of this Resolution to NJDEP, Bureau of Pretreatment and Residuals.

3. This Resolution shall take effect as provided by law and consistent with the provisions of the Service Contract between the Rockaway Valley Regional Sewerage Authority ("RVRSA") and its Member Municipalities dated July, 1976.

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on May 13, 2010

On motion of Glenn Corbett

Seconded by Michael Guadagno


And a Roll Call Vote as Follows:

Yeas: (9) Cegelka, Corbett, Guadagno, Klingener, Lowell, MacNeal, Schaefer, Schorno, Secco

Nays: (0) None

Abstain: (0) None

Absent: (1) Schulman


Bruce W. MacNeal
Secretary