

Resolution 11-031

RESOLUTION AUTHORIZING EXECUTION OF
STIPULATION OF SETTLEMENT RESOLVING NJPDES PERMIT APPEAL

WHEREAS, the Rockaway Valley Regional Sewerage Authority (hereinafter "the Authority") commenced litigation against the New Jersey Department of Environmental Protection ("NJDEP") entitled Rockaway Valley Regional Sewerage Authority v. Department of Environmental Protection, OAL Docket No. EWR 07237-01N, to contest certain provisions of its New Jersey Pollutant Discharge Elimination System Permit (NJPDES Permit) as arbitrary, capricious, unreasonable and without technical basis, which conditions appertain to the terms and conditions of the NJPDES Permit issued to RVRSA in July, 2007. NJDEP and RVRSA have exchanged draft settlement agreements intended to dispose of all issues raised, with the exception of the flow condition contained in the permit and winter ammonia action levels. With respect to flow limitations and winter ammonia action levels, these issues will be raised and addressed as part of the Wastewater Management Plan currently being prepared by the County of Morris. A stay of the other contested issues, which are Copper, Nickel and Zinc has been granted by NJDEP pending completion of a water quality study that will be performed by RVRSA, which will establish the technical basis for RVRSA's effluent limitations. Other issues resolved are Bis (2-Ethylhexyl Phthalate), Thallium, TTO and PCE. The matter has been assigned to Administrative Law Judge Karaszegi for disposition.

WHEREAS, the Authority authorized settlement discussions to proceed simultaneously with the above litigation; and

WHEREAS, counsel for the parties negotiated the terms of a Stipulation of Settlement in the form attached hereto which concludes the litigation on the terms set forth therein and met the objectives of the Authority in commencing the case.

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

1. The Chairman is authorized and directed to execute the annexed Stipulation of Settlement.
2. Counsel for the RVRSA is authorized and directed to withdraw, without prejudice, the litigation entitled Rockaway Valley Regional Sewerage Authority v. Department of Environmental Protection, OAL Docket No. EWR 07237-01N, upon receipt of a fully copy of the annexed Stipulation of Settlement.
3. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the RVRSA held on April 14, 2011

on motion of Glenn Corbett

second by Bruce MacNeal

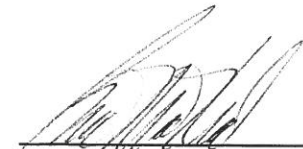
ROLL CALL VOTE:

YEAS: (8) Cegelka, Corbett, Guadagno, Klingener, Lowell, MacNeal, Schaefer, Schorno,

NAYS: (0) None

ABSTAIN: (0) None

ABSENT: (2) Schulman and Secco



Bruce MacNeal
Secretary