

Resolution 11-052

RESOLUTION DENYING STAY OF PERMIT CONDITIONS
REGARDING MONTHLY AVERAGE BIOCHEMICAL OXYGEN
DEMAND LIMITATIONS CONTAINED IN INDUSTRIAL SEWER
CONNECTION PERMIT OF WHITLOCK PACKAGING

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, after reopening its discharge permit at the request of Whitlock Packaging, the Authority issued a Final Industrial Sewer Connection Permit (ISCP) renewal to Whitlock Packaging, 92 North Main Street, Wharton, New Jersey on April 14, 2011; and

WHEREAS, the ISCP issued to Whitlock Packaging re-established a monthly average Biochemical Oxygen Demand (BOD₅) effluent limitation in place of a three month rolling average effluent limitation relevant to the wastewater discharged into, and treated by, the RVRSA, for the reasons set forth in the letter dated February 11, 2011 from Edward K. P. Ho, Executive Director, RVRSA to Andrew Gaffney, Whitlock Packaging, incorporated by reference and attached hereto and made a part hereof; and

WHEREAS, in response to such change, Whitlock Packaging filed a Request for an Adjudicatory Hearing on May 26, 2011, including a request for a stay of the monthly average permit condition; and

WHEREAS, the RVRSA determined that the information submitted in the Stay Request

was deficient and requested additional information from Whitlock Packaging by letter dated June 6, 2011 in order to evaluate the Stay Request and additional information was submitted on behalf of Whitlock Packaging to the RVRSA by letter dated June 21, 2011; and

WHEREAS, the Authority finds that it is necessary and appropriate to deny such request for relief for the reasons set forth in the letter to Andrew Gaffney dated July 14, 2011, attached hereto and made a part hereof.

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

1. The Stay Request for a stay of the monthly average BOD₅ permit condition submitted to the RVRSA on May 26, 2011, is hereby denied for the reasons set forth in the letter to Andrew Gaffney dated July 14, 2011, attached hereto and made a part hereof.

2. The Executive Director is hereby authorized and directed to forward notice of this permit action, with attachments, to Andrew Gaffney, Whitlock Packaging with a copy to its counsel, James R. Gregory, Esq.

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on July 14, 2011

On motion of Michael Guadagno

Seconded by Bruce MacNeal

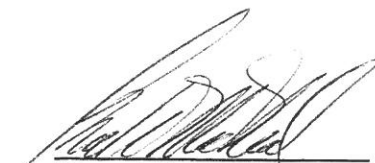
And a Roll Call Vote as Follows:

Yeas: (6) Cegelka, Guadagno, MacNeal, Schaefer, Schorno, Secco

Nays: (1) Corbett

Abstain: (0) None

Absent: (3) Klingener, Lowell, Schulman



Bruce W. MacNeal
Secretary