

Resolution 15-009

RESOLUTION CONDITIONALLY CONSENTING TO THE PROPOSED INCREASE OF THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY FUTURE SEWER SERVICE AREA IN MINE HILL TOWNSHIP AND AS INCLUDED IN THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN, UPPER DELAWARE, UPPER RARITAN AND NORTHEAST WATER QUALITY MANAGEMENT PLAN (WQMP)

WHEREAS, the Water Quality Management Planning Rules (N.J.A.C. 7:15) adopted by the New Jersey Department of Environmental Protection (NJDEP) requires that all areas of New Jersey must be addressed by Wastewater Management Plans (WMP); and

WHEREAS, the New Jersey Water Quality Planning Act, N.J.S.A. 13:1D-1 et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. mandate the completion and submission to the New Jersey Department of Environmental Protection (NJDEP) for review and approval, of a Wastewater Management Plan (County WMP) which defines the existing and future capacity demands of existing and future wastewater related jurisdictions and wastewater service areas, and further requires that all projects and activities affecting water quality must be consistent with these planning documents; and

WHEREAS, N.J.A.C. 7:15-5.4 establishes that the county board of chosen freeholders shall have wastewater management plan responsibility for a WMP area consisting of all areas within its county. Additionally, consistent with the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq., and the rules adopted pursuant thereto at N.J.A.C. 7:38 et seq., and N.J.A.C. 7:15-3.10, the Highlands Council shall be provided an opportunity to review WQM Plan amendments and revisions within the Highlands Region. Accordingly, the Morris County Planning Board is currently preparing the Wastewater Management Plan (WMP) for those municipalities that are not included within the Highlands Region, namely the Town of Boonton; Township of Boonton; Borough of Rockaway; Town of Dover; Borough of Victory Gardens, Township of Denville and RVRSA's customer, Township of Mine Hill. The Morris County Planning Board is working in coordination with the Highlands Council, which is currently developing that portion of the County WMP applicable to those municipalities within the Highlands Region, namely the Borough of Wharton; Township of Randolph and Rockaway Township. The WMP for Morris County, which includes the Rockaway Valley Regional Sewerage Authority (RVRSA), establishes RVRSA's existing and future sewer service area and capacity demands; and

WHEREAS, pursuant to Service Contracts between the member municipalities and the RVRSA, RVRSA is contractually obligated to treat all wastewater emanating from its member municipalities, provided that the wastewater is compliant with applicable laws and regulations; and

WHEREAS, the Township of Mine Hill is a customer of the RVRSA. Pursuant to a Customer Service Contract dated July 7, 1987, between the RVRSA and Mine Hill Township, which provides for the discharge of not more than 35,250 gallons per day of sewage into the System of the Authority and an Amendment to the Contract that was executed by the parties in September, 1997 allowing for the discharge of an additional 55,000 gallons of sewage into the System, and a Second Amendment to the Contract that was executed by the parties in April, 2011 for an additional amount of 4,675 gpd of sewage to be discharged in to the RVRSA System, for a total amount of 94,925 gpd, calculated on the basis of a thirty day average, RVRSA is obligated to serve existing development and failed septic systems within Mine Hill up to wastewater flows of 94,925 gpd; and

WHEREAS, the RVRSA adopted Resolution 12-065 consenting to provide sewer service in the future to those areas designated as within the Rockaway Valley Regional Sewerage Authority STP as depicted on the map entitled "Future Wastewater Service Area Map for Morris County amending the Following Areawide Water Quality Management Plans: Northeast, Upper Delaware, Upper Raritan, Sussex, Date of Current Submittal: March 14, 2012" and as noticed in the July 2, 2012 New Jersey Register at 44 N.J.R. 1919; and

WHEREAS, Mine Hill has submitted a request to the NJDEP, County of Morris and the RVRSA seeking to expand the RVRSA future sewer service area to allow for the provision of sewer service to additional areas within Mine Hill in the future; and

WHEREAS, NJDEP has reviewed the request submitted by Mine Hill and has determined that it will approve of a revised future wastewater service area for Mine Hill Township as set forth in the attached map entitled, "Mine Hill Township NJDEP Revised Future Wastewater Service Area" attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the RVRSA does not object to the extension of sewer service to additional areas in Mine Hill Township provided that the sewage treatment needs of the existing members of the RVRSA can first be met pursuant to the contractual obligation of the RVRSA as set forth in the Service Contract between the RVRSA and the member municipalities; and

WHEREAS, the RVRSA is desirous of providing sanitary sewer service to those additional areas within the Town of Mine Hill set forth on the attached map entitled, "Mine Hill Township NJDEP Revised Future Wastewater Service Area" provided certain conditions are met.

NOW, THEREFORE, BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority, on this 8th day of January, 2015, that:

1. The Rockaway Valley Regional Sewerage Authority hereby conditionally consents to the amendment of the Northeast WQMP to include the map entitled, "Mine Hill Township NJDEP Revised Future Wastewater Service Area" attached hereto and

made a part hereof, as prepared by the New Jersey Department of Environmental Protection, at the request of the Township of Mine Hill and with the consent of the County of Morris, for the purpose of its incorporation into the applicable WQMPs. This consent shall be effective only upon satisfaction of all of the conditions enumerated herein and is subject to the following conditions:

- (i) This consent is conditioned upon the adoption of an amendment to the Northeast Areawide Water Quality Management Plan in accord with N.J.A.C. 7:15-5.25, entitled, Evaluation Criteria for Wastewater Management Plans and Amendments, allowing RVRSA to increase its permitted sewage treatment plant capacity to accommodate the proposed future wastewater needs of its member municipalities as well as Mine Hill; and
- (ii) This consent is further conditioned upon NJDEP approving the RVRSA's Antidegradation Analysis, in accordance with the antidegradation policies set forth in the Surface Water Quality Standards at N.J.A.C. 7:9B-1.5(d), which is currently being prepared on behalf of the RVRSA, documenting that the Rockaway River will not be adversely impacted, in violation of the New Jersey antidegradation policy, due to an increase in RVRSA's discharge to the capacity established pursuant to the Water Quality Management Planning process; and
- (iii) This consent is further conditioned upon the provision of sewer capacity, on a priority basis, to the existing members of the RVRSA, whose existing needs and future needs must be provided for prior to the extension of further capacity to Mine Hill; and
- (iv) This consent is further conditioned upon NJDEP's further determination that, with respect to RVRSA's member municipalities, the requirements of N.J.A.C. 7:15-5.25 (Evaluation Criteria for wastewater management plans and amendments) have been satisfied, including, but not limited to, N.J.A.C. 7:15-5.25(d) relevant to existing and future wastewater treatment needs of the sewer service area and specific treatment alternatives to meet these needs; and
- (v) This consent is further conditioned upon the understanding that existing and future wastewater treatment needs of the existing members of the RVRSA will be met without the need to reduce the sewer service area of member municipalities; change zoning within the existing member municipalities to reduce the wastewater generation potential in the sewer service area of a member municipality; or imposition of a requirement to eliminate excessive infiltration and inflow within an existing member municipality to sufficiently accommodate the increase in wastewater flow to accommodate an increase in flow emanating from the Township of Mine Hill; and

(vi) This consent is further conditioned upon NJDEP's determination that sufficient potable water supply exists pursuant to N.J.A.C. 7:15-5.25(d)(5); and

(vii) This consent is further conditioned upon a determination that the consistency requirements of the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38, N.J.A.C. 7:15-5.25(d)(6) have been complied with; and

(viii) If, in the future, a modification of the RVRSA sewer service area is warranted to reduce the volume of flow to the RVRSA sewage treatment facility, this consent is conditioned upon the understanding that new areas, as depicted on the attached map entitled, "Mine Hill Township NJDEP Revised Future Wastewater Service Area" will be removed from the expanded sewer service area in Mine Hill prior to the removal of any areas located within the boundaries of the RVRSA's existing member municipalities; and

(ix) This consent is further conditioned upon NJDEP adopting the rule proposal in substantially the form that it is currently considering, commonly referred to as the "Tiered Use Policy," regarding the regulation of Nitrates such that these pollutants are evaluated for compliance with the New Jersey Surface Water Quality Standards at the intake of an existing or proposed potable water source, not at the end of pipe of a wastewater discharger; and

(x) This consent is further conditioned upon NJDEP adopting a regulation providing for the regulation of Total Dissolved Solids, Sulfate, and Chloride utilizing a surrogate parameter such as whole effluent toxicity testing; and

(xi) This consent is further conditioned upon receipt by the RVRSA of a NJPDES Permit, which includes reasonable, cost effective treatment requirements, including, but not limited to, reasonable, cost effective treatment requirements for Nitrates, Total Dissolved Solids, Sulfates and Chloride, designed to achieve compliance with applicable Surface Water Quality Standards, and further authorizes an increase of the permitted capacity at the RVRSA Sewage Treatment Facility, consistent with the County WMP, so as to enable RVRSA to meet its contractual obligations to serve its member municipalities and the Township of Mine Hill; and

(xii) This consent is further conditioned upon compliance with Special Grant Condition No. 4, federal project C340389-04-2, effective November 29, 1983, which prohibits the connection of vacant lot(s) which encroach upon any environmentally sensitive areas (ESAs) and subject to verification that no other applicable grant conditions impede RVRSA's ability to increase its capacity, expand its sewer service area, or otherwise extend sewer service to areas proposed to be served in Mine Hill; and

(xiii) This consent is further conditioned upon obtaining all applicable permits and approvals for Facility Improvements, relevant to the planning, design, construction, operation and maintenance of such necessary improvements, to the RVRSA Sewage Treatment System as are deemed necessary to enable the RVRSA to comply with the terms of a modified NJPDES Permit at the capacity established in the County WMP ("Facility Improvements"), as well as, the completion of construction of such improvements; and

(xiv) This consent is further conditioned upon RVRSA receiving all requisite approvals from all relevant agencies, including, but not limited to, the New Jersey Local Finance Board; NJEIT and NJDEP providing for reasonable financing of Facility Improvements based upon then existing market conditions; and

(xv) This consent is further conditioned upon execution of an amendment to the existing Customer Service Contract between the Township of Mine Hill and the RVRSA providing for the discharge of wastewater in excess of 94,925 gpd, which contract shall provide for an additional payment, in full, to the Authority for the right to discharge the additional flow, which payment shall represent that portion of the debt service costs attributable to the additional flow pursuant to N.J.S.A. 40:14A-8, including, but not limited to Facility Improvements; and

(xvi) This consent is further conditioned upon the adoption of an individual subsurface disposal system maintenance ordinance and adoption of excessive infiltration and inflow prevention, identification and correction policies, by the Township of Mine Hill; and

(xvii) This consent is further conditioned upon the prompt installation of appropriate metering to accurately record sewage flows emanating from areas currently served by Mine Hill Township, as well as, an agreement providing for the future installation of such additional metering devices as appropriate to enable the accurate recording of sewage flows from new sewer service areas within Mine Hill Township in advance of any sewage discharge from these future sewer service areas; and

(xviii) The sewer mainline, extensions and each of the building laterals to be installed in connection with the extended sewer service area shall be subject to inspection(s) by the RVRSA. In accord with Section 503(D) of the Service Contract, "[n]o connection shall be made, suffered or allowed to be made to the System unless a Permit to Connect shall have first been issued by the Authority and all requirements of the Authority's Connection Permit System shall have been satisfied, including but not limited to, the inspection by the Authority's representative, employee or agent of all sewer lines and laterals to be connected to

the System. Such inspection shall be required of that portion of a sewer line between the building foundation and the local collection system, as well as of the local collection system itself." Mine Hill shall not issue a plumbing permit authorizing the connection of any properties to the RVRSA without first providing notice to the RVRSA; and

(xix) Any connection from a non-domestic source is subject to the RVRSA's industrial pretreatment program regulations. The applicant shall first obtain clearance from the RVRSA's pretreatment program prior to seeking or obtaining the necessary permit(s) for connection to the RVRSA's conveyance system; and

(xx) All users are subject to the RVRSA's Service Rules and Service Rules Addendum, entitled, Regulations Concerning Industrial Users and General Sewer Use Requirements ("RVRSA Service Rules Addendum"), as amended and supplemented from time to time.

2. This Resolution shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

3. Copies of this Resolution shall be provided to the Morris County Planning Board and member municipalities of the RVRSA that receive sanitary sewer service from the RVRSA, as well as, the Township of Mine Hill.

CERTIFICATION

I hereby certify that this resolution was adopted at the regularly scheduled meeting of the RVRSA held on January 08, 2015

Moved by: Hector Schorno

Seconded by: Joseph Lowell

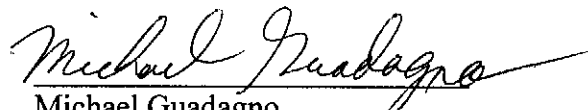
ROLL CALL VOTE:

AYES (8) Andes, Cegelka, Corbett, Guadagno, Lowell, Recchia, Schaefer, Schorno

NAYS: (0) None

ABSTAIN: (0) None

ABSENT: (2) Secco and Vincitore


Michael Guadagno
Secretary