

**Resolution 19-056**

**AMENDED RESOLUTION CONDITIONALLY CONSENTING TO THE PROPOSED INCREASE OF THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY 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. 7:15-2.7 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., 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 the Amended and Restated Customer Service Contract, dated April 19, 2018, between the RVRSA and Mine Hill Township, Mine Hill Township is authorized to discharge not more than 109,822 gallons per day of sewage into the System of the Authority. A resolution authorizing a First Amendment to the Amended and Restated Contract allowing for the discharge of an additional 5,850 gallons of sewage into the System (Resolution 18-107) was adopted on November 8, 2018 increasing the allowable discharge from Mine Hill to 115,672 gpd. A Second Amendment to the Amended and Restated Contract allowing for a discharge of an additional amount of 2,475 gpd of sewage into the RVRSA System is currently pending before RVRSA. If adopted, the total allowable wastewater discharge from Mine Hill Township will be 118,147 gpd, calculated on the basis of a thirty day average; and

**WHEREAS**, the RVRSA adopted Resolutions 12-065 and 15-009 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, Mine Hill Township, Map 3M: Wastewater Service Area dated September 11, 2017; 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; and

**WHEREAS**, NJDEP has reviewed the site-specific amendment requests submitted by Paul M. Sterbenz, P.E., P.P, Mine Hill Township Engineer, dated January 5, 2018, May 14, 2018 and May 16, 2018. By letter dated December 12, 2018 (attached hereto and made a part hereof as Schedule A) NJDEP has determined that it will approve of an amendment that would expand the Rockaway Valley Regional Sewerage Authority sewer service area in Mine Hill Township to include three existing developments located in Mine Hill Township, namely; the Randall Avenue Neighborhood, Thomastown Road/Valley View and Alpine Valley Neighborhood Phase 2, which “existing developments currently discharge or are approved to discharge to individual subsurface disposal systems, many of which are failing or expected to fail.” The three existing developments would generate a total projected wastewater flow of 27,330 gallons per day utilizing NJDEP flow values (19,480 gpd utilizing RVRSA flow values); and

**WHEREAS**, the RVRSA is desirous of providing sanitary sewer service to those additional areas within the Town of Mine Hill set forth in the letter from Bruce S. Freidman, Director, NJDEP, dated December 12, 2018 (attached hereto and made a part hereof as Schedule A) provided certain conditions are met.

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority, on this 11th day of April, 2019, that:

1. The Rockaway Valley Regional Sewerage Authority hereby conditionally consents to the amendment of the Northeast WQMP to include three existing neighborhoods identified in the letter from Bruce S. Freidman, Director, NJDEP, dated December 12, 2018 (attached hereto and made a part hereof as Schedule A), 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 further conditioned upon a determination that the consistency requirements of the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38, have been complied with; and
- ii. 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
- iii. This consent is further conditioned upon execution of an amendment to the existing Amended and Restated Customer Service Contract between the Township of Mine Hill and the RVRSA, to provide for the additional discharge of wastewater in the amount of 19,480 gpd, which contract shall provide for an additional payment 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; and
- iv. 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 the Amended and Restated Customer 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
- v. 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

- vi. 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.
  - vii. This consent is further conditioned upon Mine Hill hard wiring those meters currently utilizing solar power.
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, 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 April 11, 2019.

Moved by: Joseph Lowell

Seconded by: Hector Schorno

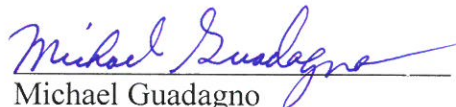
#### ROLL CALL VOTE:

AYES: (10) Andes, Cegelka, Corbett, Guadagno, Isselin, Lowell, Recchia, Rossi, Schorno, Zuppa

NAYS: (0) None

ABSTAIN: (0) None

ABSENT: (0) None



Michael Guadagno

Secretary