

RESOLUTION 19-079

**RESOLUTION RATIFYING THE FILING OF A REQUEST FOR
HEARING AND REQUEST FOR STAY OF CONTESTED PERMIT
LIMITATIONS RELEVANT TO RVRSA'S NJPDES PERMIT**

WHEREAS, the Rockaway Valley Regional Sewerage Authority (hereinafter "the Authority") received a New Jersey Pollutant Discharge Elimination System Permit (NJPDES Permit) relevant to its discharge of highly treated wastewater to the Rockaway River, which NJPDES permit contained conditions and requirements that are arbitrary, capricious, unreasonable and without technical basis; and

WHEREAS, the Authority commenced litigation against the New Jersey Department of Environmental Protection ("NJDEP") to contest and seek a stay of enforcement of certain provisions of RVRSA's NJPDES Permit, within the thirty (30) day period established at NJAC 7:14A-17.1 et seq. so as not to waive its right to challenge those conditions. The provisions at issue appertain to the stricter effluent limitations for Dissolved Oxygen and Ammonia load, contained in the NJPDES Permit, without scientific basis therefore. With respect to the Dissolved Oxygen effluent limitations, the limitations have been established without any regard to the cause of DO impairments in the Rockaway River (sediment oxygen demand) that exist well downstream of the RVRSA discharge, and without establishing any causal connection between the discharge and the downstream impairment or evidence that the Dissolved Oxygen discharge from RVRSA facility affects, or exacerbates, the downstream Dissolved Oxygen condition. The Ammonia load limitations have been established based upon a flow of 12 MGD, without regard for the increase to 15 MGD and contrary to the findings of the anti-degradation study that established that higher load limitations are appropriate; and

WHEREAS, the Authority finds that it is important to establish appropriate effluent limitations and conditions for the protection of human health and the environment and desires to

ratify the filing of the Request for Hearing and Request for Stay of Contested Permit Limitations, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority, on this 12th day of September, 2019, as follows:

1. The RVRSA hereby ratifies and confirms the filing of the attached Request for Hearing and Request for Stay of Contested Permit Limitations, dated August 15, 2019.
2. This Resolution shall take effect as provided by law.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the RVRSA held on September 12, 2019

On motion of Hector Schorno

Seconded by Michael Guadagno

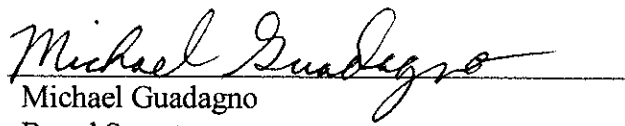
ROLL CALL VOTE:

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

NAYS: (0) None

ABSTAINED: (0) None

ABSENT: (0) None


Michael Guadagno
Board Secretary