

**Resolution 20-056**

**RESOLUTION CONDITIONALLY CONSENTING TO THE PROPOSED TOWNSHIP OF MINE HILL CHAPTER TO BE 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 131,042 gallons per day (gpd) 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 (Resolution 19-031) was adopted on February 14, 2019, increasing the allowable discharge from Mine Hill to 118,147 gpd. A Third Amendment to the Amended and Restated Contract allowing for a discharge of an additional amount of 12,895 gpd of sewage into the RVRSA System (Resolution 19-080) was adopted on May 8, 2019, increasing the allowable discharge from Mine Hill to 131,042 gpd; 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 the Morris County Office of Planning and Preservation, in accordance with N.J.A.C. 7:15, has prepared the municipal chapter for the Township of Mine Hill (hereinafter "Mine Hill Chapter"), attached hereto and made a part hereof, providing for sanitary sewer service to additional portions of Mine Hill; and

**WHEREAS**, if the proposed Mine Hill Chapter is adopted, the total wastewater flow anticipated from the projected buildout of the areas of Mine Hill Township proposed to be served by the RVRSA is projected to be 406,000 gpd, calculated on the basis of a thirty day average, representing an increase of 274,958 gpd above the current contractual flow; and

**WHEREAS**, NJDEP has reviewed the Mine Hill Chapter submitted by the Morris County Office of Planning and Preservation and has approved the same for publication and public comment; and

**WHEREAS**, the RVRSA does not object to this extension of sewer service to the identified areas in Mine Hill Chapter 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 Township of Mine Hill as set forth in the Mine Hill Chapter, attached hereto and made a part hereof, provided certain conditions are met.

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority, on this 11th of June, 2020, that:

1. The Rockaway Valley Regional Sewerage Authority hereby conditionally consents to the Mine Hill Chapter with regard to the areas assigned to RVRSA for service in the attached amendment of the Northeast WQMP. RVRSA DOES NOT consent to

serving any unassigned sewer service areas contained in the Mine Hill Chapter at this time, due to capacity concerns. RVRSA will not endorse requests for future connection of unassigned areas to RVRSA at this time due to capacity concerns. RVRSA's consent to the assigned areas of the Mine Hill Chapter is subject to the following conditions:

- (i) This consent is conditioned upon the subsequent adoption of the Mine Hill Chapter of the Northeast Areawide Water Quality Management Plan in accord with N.J.A.C. 7:15-1.1 et seq.; and
- (ii) As Mine Hill, a contract customer, is only one of eleven municipalities that RVRSA serves, an analysis of the capacity requirements of all of the Participants must be completed. It is anticipated that build-out for the RVRSA Participants and Mine Hill projected flow will exceed the design flow of the RVRSA Sewage Treatment Plant and its present permitted capacity of 12 MGD. RVRSA has received its final permit to increase its capacity up to 15 MGD, however upgrades to the facility are required prior to authorization to discharge above 12 MGD. The sewage treatment needs of the Participants shall first be met pursuant to the existing contractual obligations of the RVRSA as set forth in the Service Contract between the RVRSA and the member municipalities; and
- (iii) 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
- (iv) 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 providing for the discharge of wastewater in excess of 131,042 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
- (v) 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

(vi) 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

(vii) 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, 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 June 11, 2020.

Moved by: Commissioner Farrell

Seconded by: Commissioner Guadagno

#### ROLL CALL VOTE:

AYES: (9) Andes, Cegelka, Guadagno, Isselin, Farrell, Recchia, Rossi, Schorno, Zuppa

NAYS: (1) Corbett

ABSTAIN: (0)

ABSENT: (0)

  
Michael Guadagno  
Secretary