

Resolution 21-070

**RESOLUTION TO APPROVE VARIANCE OF CARBONACEOUS
BIOCHEMICAL OXYGEN DEMAND LOCAL LIMITATION FOR REFRESCO
US, INC.**

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, pursuant to N.J.A.C. 7:14A-19.7, and the terms of its NJPDES Discharge Permit, and in accordance with the "Guidance Manual on the Development and Implementation of Local Discharge Limitations under the Pretreatment Program" (December 1987, USEPA Office of Water Enforcement), RVRSA developed and approved local limitations to ensure compliance with (1) the numerical effluent limitations in RVRSA's NJPDES permit; (2) the RVRSA's process inhibition and upset criteria; (3) the RVRSA's worker health and safety protection criteria; and (4) the sludge quality criteria for RVRSA's chosen method(s) of sludge management; and

WHEREAS, after public notice and an opportunity to comment, RVRSA amended Section 203 of the RVRSA Service Rules Addendum by Resolution 17-153, adopted December 14, 2017, establishing updated Local Limits; a policy for future growth reserve and a policy applicable to high strength dischargers allowing for variances under proscribed circumstances. Additionally, pursuant to the Service Contract between the Rockaway

Valley Regional Sewerage Authority (“RVRSA”) and its Member Municipalities dated July, 1976, RVRSA held a public hearing thereon upon public notice prior to adoption. These amendments were also reviewed and approved by the Bureau of Pretreatment and Residuals, New Jersey Department of Environmental Protection prior to implementation; and

WHEREAS, consistent with amended Section 203 of the RVRSA Service Rules Addendum, Refresco US, Inc., which produces juices, teas, sports drinks and other refreshment beverages, submitted the attached Application for Variance, dated March 22, 2021, seeking to continue a current variance of RVRSA’s Carbonaceous Biochemical Oxygen Demand (“CBOD₅”) local limit in the amount of 6,568 lbs/day (maximum daily load) and 4,379 lbs/day (monthly average load), in place of Refresco US Inc.’s prior BOD₅ permit limitation of 2,681 mg/L (monthly average concentration). Refresco US Inc. currently removes high strength BOD wastewater to a frac tank, the contents of which are hauled off-site for disposal, and Refresco previously submitted that additional treatment of high CBOD₅ will require extensive process modifications for which space is not available, and would be cost prohibitive (“more than three times Refresco’s 2018 Capital Budget” resulting in “increased Operating and Maintenance costs in excess of the plant’s entire Net Earnings for 2017”); and

WHEREAS, pursuant to the attached memo from Natalie Pisarcik, IPP Coordinator to JoAnn Mondsini, Executive Director dated May 4, 2021, RVRSA staff has determined that sufficient allowable industrial load exists to accommodate the request submitted by Refresco US, Inc., for a variance for CBOD₅, and therefore recommends the issuance of a variance to Refresco US, Inc., and the establishment of the following CBOD₅ effluent limitations for Refresco US, Inc.:

Daily Maximum Concentration, mg/l = Monitor Only

Monthly Average Load = 4,379 lbs/day

Maximum Daily Load = 6,568 lbs/day.

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

1. The RVRSA hereby approves the attached Application for Variance, dated March 22, 2021, submitted by Refresco US, Inc., relative to the CBOD₅ effluent limitations contained in Refresco US, Inc.'s Industrial Sewer Connection Permit.

2. The Executive Director is hereby authorized and directed to issue an Industrial Sewer Connection Permit to Refresco US, Inc., with the following CBOD₅ effluent limitations: Daily Maximum CBOD₅ Concentration, mg/l is Monitor Only; Monthly Average CBOD₅ Load effluent limitation of 4,379 lbs/day and Daily Maximum CBOD₅ Load effluent limitation of 6,568 lbs/day.

3. This Resolution shall take effect as provided by law.

CERTIFICATION

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on June 10, 2021.

On motion of Commissioner Guadagno

Seconded by Commissioner Howarth

And a Roll Call Vote as Follows:

Yeas: (7) Andes, Corbett, Farrell Guadagno, Howarth, Schorno, Zuppa

Nays: (0)

Abstain: (0)

Absent: (3) Cegelka, Isselin, Recchia


Michael Guadagno
Board Secretary