

RESOLUTION AUTHORIZING ENDORSEMENT OF
APPLICATION FOR TREATMENT WORKS APPROVAL (TWA-1)

**128 Monroe Street
Town of Boonton
Block 78, Lot 2 and Block 79, Lot 1**

WHEREAS, an application for Treatment Works Approval has been submitted by the Town of Boonton, which proposes the installation of 266 feet of 6" diameter PVC sewer lateral to connect to RVRSA's sewer main on Lincoln Avenue, to convey wastewater from a proposed Residential Development consisting of a total of 65 units – (1- one bedroom, 63- two bedroom, and 1- three bedroom units) located at 128 Monroe Street, Block 78, Lot 2 and Block 79, Lot 1, Town of Boonton (the "Project"). The Project is more particularly described in the Treatment Works Approvals Permit Application Forms (TWA-1), attached hereto and made a part hereof; and

WHEREAS, construction of the aforementioned connection to RVRSA's sewer main on Lincoln Avenue is necessitated, in part, as a result of the construction of a parking garage ramp over an existing RVRSA sewer line located within an easement located on the property, without notice to, or authorization from, RVRSA by Monroe Street Holdings, LLC (the Property Owners), which caused damage to the RVRSA sewer line requiring the abandonment of the damaged sewer line and redirection of wastewater from the property to RVRSA's sewer main located on Lincoln Avenue. RVRSA shall not issue a connection permit authorizing connection of the property until such time as the issue of the abandonment of the damaged sewer line is resolved between the Property Owners, the RVRSA and the City of Jersey City, if applicable. RVRSA hereby reserves its rights to fully recover any damages incurred and to initiate enforcement action relevant thereto; and

WHEREAS, based on NJDEP approved Wastewater Management Plan maps, the Project is within the approved Sewer Service Area served by the RVRSA; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) presently requires the certification of the 201 Sewerage Agency, as well as, the certification of the owner of the sewerage treatment facility, that its treatment system contains sufficient capacity to accept the additional flow, which would emanate from the sewer extension proposed in the said application; and

WHEREAS, pursuant to RVRSA's planning estimates the gallonage required to service the proposed Project is in the amount of 9,202 gpd; and

WHEREAS, the gallonage required to service the proposed Project pursuant to the NJDEP criteria is in the amount of 14,625 gpd; and.

WHEREAS, the Town of Boonton is required to endorse the Project; which, it has done by Resolution 2-2282, adopted October 3, 2022; and

WHEREAS, RVRSA is desirous of facilitating the Town of Boonton's application for sewer service extension.

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

1. There shall be allocated from RVRSA's "First Come/First Serve" category, gallonage in the amount of 9,202 gpd to serve the proposed Project in the Town of Boonton.
2. JoAnn Mondsini, Executive Director of the RVRSA is authorized and directed to execute the Treatment Works Approval (TWA-1 Application) Forms WQM-003 entitled Endorsements at subsections C subject to the following conditions:
 - A. That subsection C Certification by Wastewater Treatment Facility Owner shall not be executed; however, a notation shall be inserted to refer to an addendum attached which includes a revised certification which provides as follows:

I (we) certify that the treatment plant is currently complying with its conventional and non-conventional NJPDES permit requirements (see N.J.A.C. 7:14A-22.17 (b)-(d), flow percent removal and toxicity requirements excluded from this certification) as determined by a rolling average of the three most recent monthly discharge monitoring reports that were required to be submitted to the Department as of this date, and based upon my (our) assessment of all information pertinent to this permit request, is anticipated to continue to do so with the additional flow from this project.

- B. That this approval explicitly excludes connection of vacant lot(s), which encroach upon any environmentally sensitive areas (ESA) pursuant to Special Grant Condition No. 4, federal project C340389-04-2, effective November 29, 1983.
- C. This approval is expressly conditioned upon compliance, by the Applicant, with any relevant provisions of the Highlands Preservation and Planning Act or any rules or regulations issued pursuant thereto, if any.
- D. That 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 the necessary permit(s) for connection to the RVRSA's local/regional conveyance system.
- E. That the qualified property owners shall obtain the necessary permit(s) for sewer connection(s) to the RVRSA system, in connection therewith and the requirements of other governmental entities having jurisdiction.
- F. Endorsement of this TWA is not intended to be, and shall not be construed to be, a waiver or relinquishment of any of the RVRSA's rights, claims, remedies, damages or defenses with regard to Property Owners' unlawful construction within RVRSA's easement. RVRSA, and other agencies having jurisdiction, are currently evaluating enforcement and other action with regard to the Property Owners' unlawful construction within RVRSA's easement. Endorsement of this TWA shall not constitute a waiver of the rights of RVRSA, or any other agency having jurisdiction, to bring any enforcement action, claim for damages or other action with regard to Property Owners' unlawful construction within RVRSA's easement.
- G. Due to the property owners' construction of a parking garage ramp over an existing RVRSA sewer line located within an easement located on the property, RVRSA's connection permit shall not be issued until all issues relevant to the abandonment of the RVRSA/City of Jersey City sewer line, if applicable, located on the property shall be resolved.

- H. That the sewer main line and each of the building laterals to be installed in connection with the project shall be subject to inspection(s) by the RVRSA.
- I. That this endorsement shall expire automatically unless the attached application is filed with the NJDEP within 60 days of the day of the adoption of this Resolution. Evidence of submission shall be submitted by the Applicant to RVRSA in order to satisfy this requirement.
- J. This approval is subject to compliance with revised Service Rules of the RVRSA, and the payment of the appropriate fees and/or charges of the RVRSA including, but not limited to those set forth at Section 4.03 (3) Revised Service Rules of the RVRSA, and payment of the appropriate fees of any other governmental authority having jurisdiction.
- K. The approval of the use of NJDEP's gallonage determination is made under protest and for the sole purpose of approving the TWA-1 sewer extension application and shall not affect in any way gallonage allocated for RVRSA's planning purposes.

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on **December 8, 2022.**


On motion of Commissioner Corbett and Second by Commissioner Howarth
And a Roll Call Vote as Follows:

Yeas: (6) Andes, Cegelka, Corbett, Guadagno, Howarth, and Isselin.

Nays: (0) None

Abstain: (1) Laverty

Absent: (3) Farrell, Schorno, and Zuppa.


Michael Guadagno
Board Secretary