

Resolution 23-047

RESOLUTION AUTHORIZING EXECUTION OF
STIPULATION OF SETTLEMENT
WITH ANTHONY AND SONS' BAKERY

WHEREAS, pursuant to the authority vested in the Rockaway Valley Regional Sewerage Authority (hereinafter "RVRSA") by the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and RVRSA's "Service Rules, Regulations Concerning Industrial Users: Industrial Sewer Permits, Regulations concerning Sewer Use: Pretreatment Regulation," adopted March 22, 1984, and amended and supplemented from time to time thereafter, RVRSA is authorized to enforce the terms and conditions of an Industrial Sewer Connection Permit ("ISCP" or "Permit") issued to indirect wastewater dischargers to the RVRSA System; and

WHEREAS, Anthony and Sons Bakery, LLC (hereinafter "Anthony and Sons") discharges wastewater to the RVRSA Publically Owned Treatment Facility, subject to the terms and conditions contained in the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and pursuant to an Industrial Sewer Connection Permit (hereinafter the "Permit") issued to Anthony and Sons; and

WHEREAS, pursuant to the Permit, Anthony and Sons is prohibited from introducing wastewater to the RVRSA System containing Total Suspended Solids ("TSS") exceeding the limit of 500 mg/L and a 5-day Carbonaceous Biological Oxygen Demand ("CBOD₅") exceeding the limit of 3,000 mg into the RVRSA; and,

WHEREAS, On February 24, 2021 the RVRSA issued an Administrative Order/Notice of Civil Administrative Penalty Assessment (AO/NoCAPA) to Anthony and Sons for violating the TSS and CBOD₅ limitations as contained in its discharge permit and RVRSA's Rules and

Regulations and assessing against Anthony and Sons a statutory minimum mandatory administrative penalty in the amount of \$6,000.00 for said violations; and

WHEREAS, by letter dated July 9, 2021, Anthony and Sons submitted a Request for an Adjudicatory Hearing with regard to the AO/NOCAPA; and

WHEREAS, Anthony and Sons has fully cooperated with RVRSA on the matter, including attending meetings with RVRSA, and its representatives, and has committed to compliance goals, and has demonstrated its resolve with nearly complete compliance since the 2021 violations; and

WHEREAS, RVRSA calculated the penalty amount based upon N.J.S.A. 58:10A-10(d)(4) and N.J.S.A. 58:10A-10.1, which establishes minimum mandatory penalty assessments and establishes restrictions upon the amount of an assessment that may be compromised; and

WHEREAS, the Stipulation of Settlement, attached hereto, concludes this action on the terms set forth therein and which meets the objectives of the Authority in commencing the case; and

WHEREAS, in accordance with the terms of the proposed Stipulation of Settlement, Anthony and Sons agrees to discharge process wastewater only in conformity with the RVRSA's Rules and Regulations and the Permit issued by RVRSA and to pay to the Authority the amount of \$6,000, representing the minimum mandatory penalty, assessed in accordance with N.J.A.C. 7:14-8.3, for the violations alleged by RVRSA; and

WHEREAS, RVRSA desires to resolve this matter in accordance with the material terms of the attached Stipulation of Settlement.

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

1. The Executive Director is authorized and directed to execute a Stipulation of Settlement Agreement in substantially the form of agreement attached hereto.
2. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the RVRSA held on March 9, 2023.

On motion of Commissioner Farrell

And seconded by Commissioner Howarth

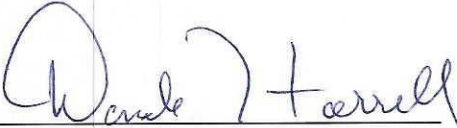
ROLL CALL VOTE:

YEAS: (10) Andes, Cegelka, Corbett, Farrell, Howarth, Isselin, Lavery, Potter, Schorno, and Zuppa.

NAYS: (0) None

ABSTAINED: (0) None

ABSENT: (0) None


Donald Farrell, Board Secretary