

RESOLUTION DENYING MINE HILL'S REQUEST FOR ENDORSEMENT OF  
APPLICATION FOR TREATMENT WORKS APPROVAL (TWA-1) AT THIS TIME

**Township of Mine Hill**

Sewer Extension

Iron Mountain Road

Block 202, Lot 1; Block 203, Lot 12.01; and Block 203, Lot 14.01

**WHEREAS**, the Township of Mine Hill desires to extend sewer service to Iron Mountain Road, Block 202, Lot 1; Block 203, Lot 12.01; and Block 203, Lot 14.01 (collectively referred to as "**Iron Mountain Road Project**") to serve a proposed development consisting of one warehouse building with a footprint of approximately 374,500 square feet. A gravity sanitary sewer system is proposed to convey wastewater from the building to a private on-site pump station. A force main from the pump station is proposed to convey wastewater to an off-site existing manhole owned by Mine Hill within Crimson Lane. The sanitary system for this site proposes the construction of approximately 1,007 LF of 8-inch gravity PVC pipe, 2,253 LF of 3-inch HDPE force main, 6 manholes, 3 sanitary cleanouts, and 1 pump station; and

**WHEREAS**, the Rockaway Valley Regional Sewerage Authority ("**RVRSA**") requires that the host municipality endorse projects by resolution prior to **RVRSA** approval; which Mine Hill has not yet done; and

**WHEREAS**, the **Iron Mountain Road Project** is proposing the discharge of wastewater into the portion of the Jackson Brook Interceptor owned and operated by the Township of Randolph, therefore, **RVRSA** requires that the Township of Randolph endorse the project by resolution prior to **RVRSA** approval; which, it has not yet done; and

**WHEREAS**, the **RVRSA** provides wastewater treatment on a first-come, first-served basis to its member municipalities. **RVRSA** is obligated to provide wastewater treatment to nine member municipalities, including all, or part of, the Town of Boonton; Township of Boonton; Township of Denville; Borough of Rockaway; Township of Rockaway; Town of Dover; Township of Randolph; Victory Gardens; and Borough of Wharton; and

**WHEREAS**, in addition to the nine member municipalities, the **RVRSA** has contracted with the Township of Mine Hill to provide wastewater treatment, pursuant to an Amended and Restated Customer Service Contract ("**Service Contract**"), dated April

19, 2018, as amended and supplemented from time to time, which provides the terms and conditions for the connection of specified properties and treatment of sewage discharged into the **RVRS**A System emanating from those parcels listed in attached schedules, which schedules do not include the **Iron Mountain Road Project**; and

**WHEREAS**, the aforementioned properties constituting the **Iron Mountain Road Project** are within the **RVRS**A Sewer Service Area, pursuant to an amendment to the Northeast and Upper Raritan Water Quality Management Plan (“**WQMP**”) adopted by the New Jersey Department of Environmental Protection (“**NJDEP**”), on October 13, 2023, however, the **Service Contract** has not been amended to allocate flow or extend sewer service to this area; and

**WHEREAS**, the **Service Contract** and **RVRS**A approvals further provide that the Township of Mine Hill is authorized to discharge not more 201,541 gallons per day (“**GPD**”) of sewage into the **RVRS**A system; and

**WHEREAS**, the monthly average metered flows from Mine Hill for January, February and March, 2024 are 136,429 **GPD**; 103,459 **GPD** and 120,661 **GPD** respectively; and

**WHEREAS**, pursuant to the attached Summary Report, Pages 2-3, **RVRS**A has approved further allocations requested by Mine Hill totaling 76,580 **GPD** (“**Committed Flow**”) that are not yet connected. Accordingly, in January, 2024, Mine Hill’s flow (metered flow plus **Committed Flow**) exceeded **RVRS**A’s authorizations, without the addition of any flow from the **Iron Mountain Road Project**. For March, 2024, the addition of flow proposed for the **Iron Mountain Road Project** (17,484 **GPD**) would cause Mine Hill to again exceed existing authorizations. Providing capacity to the **Iron Mountain Road Project** is not consistent with existing obligations; and

**WHEREAS**, **RVRS**A’s New Jersey Pollutant Discharge Elimination System Permit (“**NJPDES Permit**”) issued by the **NJDEP** includes two values for the volume of effluent permitted to be discharged, namely the existing permitted flow value of 12.0 million gallons per day (“**MGD**”) and the proposed flow of 15.0 **MGD**; and

**WHEREAS**, pursuant to the terms of **RVRS**A’s **NJPDES Permit**, and N.J.A.C. 7:14A-13.2(a)3, the limitations for 15.0 **MGD** cannot be activated until such time as this flow increase, and the applicable limitations, are recognized in an amendment to the Water Quality Management Plan (“**WQMP**”), adopted in accordance with N.J.A.C. 7:15, and a treatment works approval is issued by the **NJDEP** and necessary construction is completed to provide adequate treatment for any increase in capacity; and

**WHEREAS**, the **WQMP** has not yet been adopted to provide for the increased flow and **RVRSA** has not yet designed, financed or constructed facilities necessary to treat the increased flow. Accordingly, at this time, **RVRSA** is only authorized to discharge up to 12 **MGD**; and

**WHEREAS**, the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and regulations adopted pursuant thereto at N.J.A.C. 7:14A-22.6 et seq., establish a program (hereinafter the “**Capacity Assurance Program**”) to assure that the capacity of a treatment works is monitored to prevent an overloading of the facility or a violation of the **NJPDES Permit** issued to that facility; and

**WHEREAS**, pursuant to N.J.A.C. 7:14A-22.16(a), the **Capacity Assurance Program** is triggered where the average flow over twelve (12) consecutive months reaches or exceeds 95% of the permitted flow of the treatment plant; and

**WHEREAS**, in the First quarter of 2024, the twelve (12) consecutive month average daily flow to the **RVRSA** increased to 12.083 **MGD**. Based on the TWA Summary in **RVRSA**’s most recent WQM-007 report (attached), **RVRSA** has approved another 0.313 **MGD** that is not yet connected. When these connections are made, the flow to the **RVRSA** is projected to increase further above the flow conditions established in the **RVRSA NJPDES Permit**; and

**WHEREAS**, as **RVRSA** has exceeded its permitted twelve (12) consecutive month average flow, **RVRSA** must now initiate a **Capacity Assurance Program** and submit quarterly capacity assurance reports to the State of New Jersey, in accordance with **RVRSA**’s **NJPDES Permit** and N.J.A.C. regulation 7:14A-22.16; and

**WHEREAS**, **RVRSA** must judiciously manage its treatment capacity in order to avoid the institution of a sewer ban and/or violation of its **NJPDES Permit**; and

**WHEREAS**, in its role as Wastewater Management Planning Agency, the Morris County Office of Planning and Preservation, has determined that the projected need for wastewater treatment and disposal from within the **RVRSA**’s member municipalities is approximately 14 **MGD**; and

**WHEREAS**, the Fair Housing Act (adopted March 20, 2024) will impose additional Mount Laurel Affordable Housing obligations upon the member municipalities beyond those projected by the Morris County Office of Planning and Preservation, necessitating the availability of sanitary sewer infrastructure to serve the Fourth Round Present and Prospective Fair Share obligations of the member municipalities, which will further constrain the available treatment capacity of the **RVRSA**; and

**WHEREAS**, the **RVRS**A is desirous of avoiding, or at least delaying, the undertaking of significant sewer treatment plant upgrades and has undertaken numerous measures to obtain sufficient permitted capacity to enable **RVRS**A to continue to allow connections to its facility through infiltration and inflow remediation and other efforts, and has further determined that given the documented existing need of its member municipalities, in order to meet its obligations it would not be prudent for **RVRS**A to extend additional sewer service to the **Iron Mountain Road Project** at this time, and that the additional flow requested to serve the **Iron Mountain Road Project** must be denied until such time as additional permitted capacity is obtained.

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority that,

1. At this time, the request from the Township of Mine Hill for endorsement of its application for Treatment Works Approval for the Iron Mountain Road Project is denied.
2. The Executive Director is authorized and directed to forward a copy of this resolution to the NJDEP in accordance with N.J.A.C. 7:15-3.1 et seq.
3. Copies of this Resolution shall be provided to the Morris County Planning Board and Township of Mine Hill.
4. 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 May 9, 2024.

On motion of

Second by

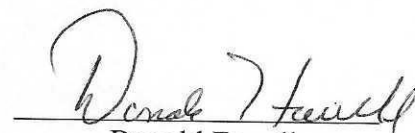
And a Roll Call Vote as Follows:

Yeas:

Nays:

Abstain:

Absent:

  
Donald Farrell  
Board Secretary