

RESOLUTION 25-034

**RESOLUTION AUTHORIZING EXECUTION OF
STIPULATION OF SETTLEMENT
WITH TERRASCEND NJ LLC**

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, TerrAscend NJ, LLC (hereinafter “TerrAscend”) 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 TerrAscend effective May 1, 2024, and expiring on April 30, 2027; and

WHEREAS, pursuant to the Permit, TerrAscend is prohibited from introducing wastewater to the RVRSA System containing a 5-day Carbonaceous Biological Oxygen Demand (“CBOD₅”) exceeding the limit of 500 mg/L into the RVRSA System; and

WHEREAS, on July 2, 2024, the RVRSA issued to TerrAscend a Notice of Violation (hereinafter “NOV”) for exceeding the CBOD₅ limitation as contained in its discharge Permit; and

WHEREAS, an Administrative Order and Notice of Civil Administrative Penalty Assessment (“AO/NOCAPA”) was issued to TerrAscend on July 18, 2024, by the RVRSA, assessing against TerrAscend a minimum mandatory civil administrative penalty in the amount of \$1,000.00 for the violation set forth above; and

WHEREAS, by letter dated August 6, 2024, TerrAscend submitted an Administrative Hearing Request to the New Jersey Department of Environmental Protection Office of Legal Affairs and expressed a willingness to engage in informal settlement discussions with RVRSA before said Hearing; and

WHEREAS, TerrAscend 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 complete compliance since the violations; 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 complies with N.J.A.C. 7:14-8.3, N.J.S.A. 58:10A-10 et seq., including N.J.S.A. 58:10A-10.5.; and

WHEREAS, in accordance with the terms of the proposed Stipulation of Settlement, TerrAscend 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 \$1,000, 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 this Resolution was adopted at a regular meeting of the Rockaway Valley Regional Sewerage Authority held on February 13, 2025.

On motion of Commissioner Schorno Seconded by Commissioner Farrell

And a Roll Call Vote as follows:

Yeas: (7) Andes, Cegelka, Farrell, Howarth, Isselin, Schorno and Sheehy.

Nays: (0) None

Abstain: (0) None

Absent: (3) Corbett, Lavery, and Zuppa.



Donald Farrell, Board Secretary