

**RESOLUTION ADOPTING ANNUAL BUDGET OF OPERATING EXPENSES
FOR THE FISCAL YEAR BEGINNING NOVEMBER 1, 2018
BY THE GLOUCESTER COUNTY UTILITIES AUTHORITY**

WHEREAS, the Gloucester County Utilities Authority in the Township of West Deptford, County of Gloucester and State of New Jersey, on December 12, 2018 adopted a preliminary Annual Budget of Operating Expenses for the Fiscal Year which began on November 1, 2018; and

WHEREAS, the Division of Local Government Services in the New Jersey Department of Community Affairs on or about December 20, 2018, approved said Budget as submitted, in accordance with N.J.S.A. 40A:5A-11.


NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Gloucester County Utilities Authority that the Annual Budget of Operating Expenses, marked Exhibit "A", attached hereto, and incorporated herein by specific reference the same as if set forth in full herein, is hereby adopted and shall constitute the Final Budget of Operating Expenses for the 2019 Fiscal Year; and

That a certified copy of this Resolution, along with a copy of the said Annual Budget of Operating Expenses, shall be promptly filed with Bank of New York Mellon, Trustee, and Remington and Vernick Engineers, Consulting Engineer, in accordance with Section 610 of the original Bond Resolution of the Authority; and with the New Jersey Department of Community Affairs and each local unit pursuant to N.J.A.C. 5:31-2.8.

Adopted at a Regular Meeting of the Gloucester County Utilities Authority held on January 9, 2019.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY:



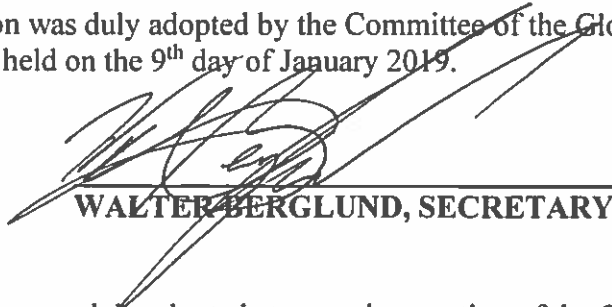
HOWARD W. BRUNER, Chairman

ATTEST:


WALTER BERGLUND, SECRETARY

CERTIFICATION

The foregoing Resolution was duly adopted by the Committee of the Gloucester County Utilities Authority at a meeting held on the 9th day of January 2019.



WALTER BERGLUND, SECRETARY

The foregoing Resolution was duly adopted at a regular meeting of the Gloucester County Utilities Authority held on 9th day of January 2019 at its business office located at 2 Paradise Road, West Deptford, New Jersey.



For: Remington and Vernick Consulting Engineers

**RESOLUTION ESTABLISHING RATE SCHEDULE FOR THE
GLOUCESTER COUNTY UTILITIES AUTHORITY**

WHEREAS, the Gloucester County Utilities Authority, on December 12, 2018, proposed a schedule of rates for services; and

WHEREAS, the proposed schedule of rates for services was published in the newspapers of record in accordance with New Jersey State statutes; and

WHEREAS, the Gloucester County Utilities Authority desires to formally adopt the rate schedule as introduced and incorporate it into the Fiscal Year 2019 Annual Operating Budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Gloucester County Utilities Authority that, as detailed in the attached and incorporated herein by reference are adopted as the rates to be charged for various services as indicated. Said rates will apply to all services rendered on or after January 1, 2019 and will continue to be in force until amended by formal Resolution.

BE IT FURTHER RESOLVED that this schedule shall be mailed to all participants and customers of the Authority, in accordance with N.J.S.A. 40:14B-23.

THE GLOUCESTER COUNTY UTILITIES AUTHORITY



HOWARD W. BRUNER, CHAIRMAN

ATTEST:



WALTER BERGLUND, SECRETARY

CERTIFICATION

The foregoing Resolution was duly adopted by the Committee of the Gloucester County Utilities Authority at a meeting held on the 9th day of January 2019.



WALTER BERGLUND, SECRETARY

The foregoing Resolution was duly adopted at a regular meeting of the Gloucester County Utilities Authority held on January 9, 2019 at its business office located at 2 Paradise Road, West Deptford, New Jersey.



For: Remington and Vernick Consulting Engineers

**GLOUCESTER COUNTY UTILITIES AUTHORITY
RATE SCHEDULE**

TYPE OF WASTE	STANDARD RATE
Domestic Wastewater	\$3,147/million gallons
Discharges from Contaminated Groundwater Sites	\$9,441/million gallons
Surcharge for BOD (Biological Oxygen Demand)	\$875/ton for all amounts in excess of 300 parts per million
Surcharge for SS (Suspended Solids)	\$875/ton for all amounts in excess of 300 parts per million
Screenings & Grit	\$90.00/ton (Originating in Gloucester County Only)
Domestic & Commercial Septage	\$0.07/gal
Grease	\$0.12/gal
Sludge in Tank Trucks	
0 - 3.99% solids	\$0.07/gal
4 - 5.99% solids	\$0.10/gal
Leachate & Non-Hazardous Industrial Waste	
1. Class 1 (0-20,000 mg/l COD)	\$0.07/gal
2. Class 2 (20,001-40,000 mg/l COD)	\$0.08/gal
3. Class 3 (40,001-60,000 mg/l COD)	\$0.09/gal
4. Class 4 (60,001-80,000 mg/l COD)	\$0.10/gal
5. Class 5 (80,001-100,000 mg/l COD)	\$0.11/gal
6. Class 6 (100,001-120,000 mg/l COD)	\$0.12/gal
7. Class 7 (120,001-140,000 mg/l COD)	\$0.13/gal
8. Class 8 (140,001-160,000 mg/l COD)	\$0.14/gal
9. Class 9 (160,001-180,000 mg/l COD)	\$0.15/gal
10. Class 10 (180,001-200,000 mg/l COD)	\$0.16/gal

Effective January 1, 2019

RESOLUTION 2019-039

**RESOLUTION OF THE GLOUCESTER COUNTY UTILITIES
AUTHORITY AUTHORIZING AND ACCEPTING CHANGE ORDER #3
FOR THE CONSTRUCTION OF ANAEROBIC DIGESTERS SYSTEM**

WHEREAS, previously the Gloucester County Utilities Authority authorized entering into a contract for work to be performed by Pact Two, LLC for the Construction of Anaerobic Digesters System in the amount of \$6,720,000; and

WHEREAS, the Authority Engineer has submitted a letter in connection with said contract work indicating that the Change Order No. 3 will increase the contract by \$85,755.00, the Engineer's letter and Change Order No. 3 are attached hereto and made a part hereof this resolution; and

WHEREAS, previous Change Orders increased the original contract of \$6,720,000.00 to \$6,903,568.00; and

WHEREAS, Change Order No. 3 will increase the contract amount of \$6,903,568.00 by \$85,755.00; therefore, the new contract amount will be \$6,989,323.00; and

WHEREAS, such additions have been reviewed and approved by the Authority Engineer; and

WHEREAS, the Executive Director has certified that funds are available for this project.

NOW, THEREFORE, BE IT RESOLVED by Board of Directors of the Gloucester County Utilities Authority that the Change Order No. 3 for the Construction of Anaerobic Digesters System in the increased amount of \$85,755.00 is hereby approved adjusting the Contract amount from \$6,903,568.00 to \$6,989,323.00.

DULY ADOPTED at a meeting of the Gloucester County Utilities Authority conducted on January 9, 2019.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY: 
HOWARD W. BRUNER, Chairman

ATTEST:


WALTER BERGLUND, SECRETARY

CERTIFICATION

The foregoing Resolution was duly adopted at a meeting of the Gloucester County Utilities Authority conducted on January 9, 2019 at its business office located at 2 Paradise Road, West Deptford, New Jersey, all of which is hereby certified.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY: 
WALTER BERGLUND, Secretary

RESOLUTION 2019-040

**RESOLUTION OF THE GLOUCESTER COUNTY UTILITIES
AUTHORITY AUTHORIZING AND ACCEPTING CHANGE ORDER #1
FOR THE AERATION BLOWER UPGRADES & ENERGY
EFFICIENCY IMPROVEMENTS**

WHEREAS, previously the Gloucester County Utilities Authority authorized entering into a contract for work to be performed by Clyde N. Lattimer & Son Construction for the Aeration Blower Upgrades & Energy Efficiency Improvements in the amount of \$2,464,000.00; and

WHEREAS, the Authority Engineer has approved Change Order No. 1 in connection with said contract work including extras and reductions, indicating that the Change Order No. 1 will increase the contract by \$4,134.90, Change Order No. 1 is attached hereto and made a part hereof this resolution; and

WHEREAS, Change Order No. 1 Final will increase the contract amount of \$2,464,000.00 by \$4,134.90; therefore, the new contract amount will be \$2,468,134.90; and

NOW, THEREFORE, BE IT RESOLVED by Board of Directors of the Gloucester County Utilities Authority that the Change Order No. 1 for the Aeration Blower Upgrades & Energy Efficiency Improvements in the increased amount of \$4,134.90 is hereby approved adjusting the Contract sum from \$2,464,000.00 to \$2,468,134.90.

DULY ADOPTED at a meeting of the Gloucester County Utilities Authority conducted on January 9, 2019.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY: 

HOWARD W. BRUNER, Chairman

ATTEST:



WALTER BERGLUND, SECRETARY

CERTIFICATION

The foregoing Resolution was duly adopted at a meeting of the Gloucester County Utilities Authority conducted on January 9, 2019 at its business office located at 2 Paradise Road, West Deptford, New Jersey, all of which is hereby certified.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY:



WALTER BERGLUND, Secretary

**RESOLUTION ENDORSING AN APPLICATION OF THE MONROE TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY FOR AN ALLOCATION
OF CAPACITY OF 675 GPD FOR THE PROJECT KNOWN
AS STIRLING GLEN I & II, NJDEP PERMIT #08-0127**

WHEREAS, an application has been submitted by the Monroe Township Municipal Utilities Authority, for an allocation of capacity of 675 GPD for the project known as Stirling Glen I & II, NJDEP Permit #08-0127; and

WHEREAS, this allocation of capacity covers a portion of the project, consisting of three (3) single family dwellings; and

WHEREAS, this project is currently under construction; and

WHEREAS, the Sanitary Sewerage Connection fees for this project have been paid; and

WHEREAS, the Authority's Development Projects Coordinator, Stephanie Killeen, has heretofore certified that there is sufficient capacity remaining at the Gloucester County Utilities Authority's treatment plant to service this project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners on this 9th day of January 2019, that it hereby endorses the above application for an allocation of capacity of 675 GPD for the project known as Stirling Glen I & II, NJDEP Permit #08-0127.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Monroe Township Municipal Utilities Authority and to the NJDEP.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY: 

HOWARD W. BRUNER, Chairman

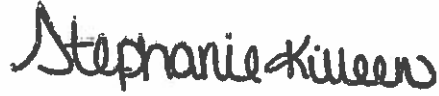
ATTEST:



WALTER BERGLUND, SECRETARY

CERTIFICATION

I hereby certify that, as of this date, there is sufficient capacity remaining at the Gloucester County Utilities Authority treatment facilities to service the above project.



Stephanie Killeen
Developments Projects Coordinator

CERTIFICATION

The foregoing Resolution was duly adopted at a meeting of the Gloucester County Utilities Authority conducted on January 9, 2019, at its business office located at 2 Paradise Road, West Deptford, New Jersey, all of which is hereby certified.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY:



WALTER BERGLUND, Secretary

RESOLUTION ENDORSING AN APPLICATION OF THE WASHINGTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR AN ALLOCATION OF CAPACITY OF 1,800 GPD FOR THE PROJECT KNOWN AS PINNACLE PLACE, NJDEP PERMIT #15-0339

WHEREAS, an application has been submitted by the Washington Township Municipal Utilities Authority, for an allocation of capacity of 1,800 GPD for the project known as Pinnacle Place, NJDEP Permit #15-0339; and

WHEREAS, this allocation of capacity covers a portion of the project, consisting of six (6) townhouses; and

WHEREAS, this project is currently under construction; and

WHEREAS, the Sanitary Sewerage Connection fees for this project have been paid; and

WHEREAS, the Authority's Development Projects Coordinator, Stephanie Killeen, has heretofore certified that there is sufficient capacity remaining at the Gloucester County Utilities Authority's treatment plant to service this project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners on this 9th day of January 2019, that it hereby endorses the above application for an allocation of capacity of 1,800 GPD for the project known as Pinnacle Place, NJDEP Permit #15-0339.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Washington Township Municipal Utilities Authority and to the NJDEP.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY: Howard W Bruner
HOWARD W. BRUNER, Chairman

ATTEST:


WALTER BERGLUND, SECRETARY

CERTIFICATION

I hereby certify that, as of this date, there is sufficient capacity remaining at the Gloucester County Utilities Authority treatment facilities to service the above project.



Stephanie Killeen
Developments Projects Coordinator

CERTIFICATION

The foregoing Resolution was duly adopted at a meeting of the Gloucester County Utilities Authority conducted on January 9, 2019, at its business office located at 2 Paradise Road, West Deptford, New Jersey, all of which is hereby certified.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY:



WALTER BERGLUND, Secretary

**RESOLUTION ENDORSING AN APPLICATION OF THE TOWNSHIP
OF EAST GREENWICH FOR AN ALLOCATION OF CAPACITY OF
600 GPD FOR THE PROJECT KNOWN AS MEADOWS AT GREENWICH
CROSSING, NJDEP PERMIT #08-0160a**

WHEREAS, an application has been submitted by the Township of East Greenwich, for an allocation of capacity of 600 GPD for the project known as Meadows at Greenwich Crossing, NJDEP Permit #08-0160a; and

WHEREAS, this allocation of capacity covers a portion of the project, consisting of two (2) single family dwellings; and

WHEREAS, this project is currently under construction; and

WHEREAS, the Sanitary Sewerage Connection fees for this project have been paid; and

WHEREAS, the Authority's Development Projects Coordinator, Stephanie Killeen, has heretofore certified that there is sufficient capacity remaining at the Gloucester County Utilities Authority's treatment plant to service this project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners on this 9th day of January 2019, that it hereby endorses the above application for an allocation of capacity of 600 GPD for the project known as Meadows at Greenwich Crossing, NJDEP Permit #08-0160a.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Township of East Greenwich and to the NJDEP.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY: Howard W Bruner
HOWARD W. BRUNER, Chairman

ATTEST:


WALTER BERGLUND, SECRETARY

CERTIFICATION

I hereby certify that, as of this date, there is sufficient capacity remaining at the Gloucester County Utilities Authority treatment facilities to service the above project.



Stephanie Killeen
Developments Projects Coordinator

CERTIFICATION

The foregoing Resolution was duly adopted at a meeting of the Gloucester County Utilities Authority conducted on January 9, 2019, at its business office located at 2 Paradise Road, West Deptford, New Jersey, all of which is hereby certified.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY:



WALTER BERGLUND, Secretary

RESOLUTION NO. 2019-044

**RESOLUTION OF THE GLOUCESTER COUNTY UTILITIES
AUTHORITY ENDORSING AN APPLICATION OF THE EAST GREENWICH
TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR AN
NJDEP TREATMENT WORKS APPROVAL FOR THE PROJECT
KNOWN AS WHISKEY MILL SUBDIVISION**

WHEREAS, an application has been submitted by the East Greenwich Township Municipal Utilities Authority for an NJDEP Treatment Works Approval for a project known as Whiskey Mill Subdivision, with an allocation of 2,400 GPD, consisting of eight (8) single family dwellings; and

WHEREAS, plans and specifications for this project have been reviewed by the staff of the Gloucester County Utilities Authority and have been found to be proper; and

WHEREAS, this project is subject to the payment of the Authority's Sanitary Sewerage Connection fees, said fees to be paid at a later date when application is made for an allocation of capacity for this project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners on this 9th day of January 2019, that it hereby endorses the above application for an NJDEP Treatment Works Approval for the project known as Whiskey Mill Subdivision, with an allocation of 2,400 GPD, consisting of eight (8) single family dwellings.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the East Greenwich Township Municipal Utilities Authority and the NJDEP.

DULY ADOPTED at a meeting of the Gloucester County Utilities Authority held on
January 9, 2019.

GLOUCESTER COUNTY UTILITIES AUTHORITY

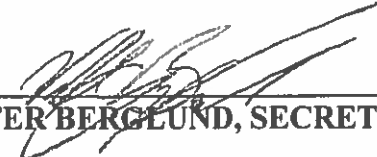
BY: Howard W Bruner
HOWARD W. BRUNER, Chairman

ATTEST:


WALTER BERGLUND, SECRETARY

CERTIFICATION

The foregoing Resolution was duly adopted by the Committee of the Gloucester
County Utilities Authority at a meeting held on the 9th day of January 2019.


WALTER BERGLUND, SECRETARY

RESOLUTION NO. 2019-045

**RESOLUTION OF THE GLOUCESTER COUNTY UTILITIES
AUTHORITY ENDORSING AN APPLICATION OF THE MONROE
TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR AN
NJDEP TREATMENT WORKS APPROVAL FOR THE PROJECT
KNOWN AS McGARVEY RESIDENCE SEWER CONNECTION**

WHEREAS, an application has been submitted by the Monroe Township Municipal Utilities Authority for an NJDEP Treatment Works Approval for a project known as McGarvey Residence Sewer Connection, with an allocation of 300 GPD, consisting of one (1) single family dwelling with forced lateral; and

WHEREAS, plans and specifications for this project have been reviewed by the staff of the Gloucester County Utilities Authority and have been found to be proper; and

WHEREAS, this project is subject to the payment of the Authority's Sanitary Sewerage Connection fees, said fees to be paid at a later date when application is made for an allocation of capacity for this project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners on this 9th day of January 2019, that it hereby endorses the above application for an NJDEP Treatment Works Approval for the project known as McGarvey Residence Sewer Connection, with an allocation of 300 GPD, consisting of one (1) single family dwelling with forced lateral.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Monroe Township Municipal Utilities Authority and the NJDEP.

DULY ADOPTED at a meeting of the Gloucester County Utilities Authority held on
January 9, 2019.

GLOUCESTER COUNTY UTILITIES AUTHORITY

BY: 

HOWARD W. BRUNER, Chairman

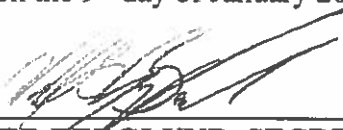
ATTEST:



WALTER BERGLUND, SECRETARY

CERTIFICATION

The foregoing Resolution was duly adopted by the Committee of the Gloucester
County Utilities Authority at a meeting held on the 9th day of January 2019.



WALTER BERGLUND, SECRETARY

GLOUCESTER COUNTY UTILITIES AUTHORITY

RESOLUTION NO. 2019-046

**RESOLUTION OF THE OF THE GLOUCESTER COUNTY UTILITIES AUTHORITY
AUTHORIZING EXECUTION OF A CONTRACT WITH AMERICAN
AQUATIC TESTING, INC. TO PROVIDE BIOASSAY LABORATORY TESTING
SERVICES**

WHEREAS, the Gloucester County Utilities Authority (“Authority”) advertised for and obtained bids on June 5, 2018 for 2018 Bioassay Laboratory Testing Services; and

WHEREAS, at the time there was a single bidder, Eurofins QC, Inc.;

WHEREAS, the Bioassay Laboratory Testing Services contract was awarded to Eurofins QC, Inc. for a contract period July 1, 2018 through June 30, 2020; and

WHEREAS, Eurofins QC, Inc. has notified the Authority that it is no longer conducting or subcontracting out bioassay testing services in breach of their contract; and

WHEREAS, Eurofins QC, Inc. subcontracted their work to American Aquatic Testing, Inc.; and

WHEREAS, American Aquatic Testing, Inc. is agreeable to providing the bioassay testing for the balance of the contract period; and

WHEREAS, the Authority has an obligation to mitigate its damages while insuring that there are bioassay testing services available and testing performed to meet regulatory requirements; and

WHEREAS, the Authority has determined that entering into a contract with American Aquatic Testing, Inc. for the balance of the contract period is necessary to mitigate its damages and provide for prompt, qualified testing services to meet its regulatory obligations; and

WHEREAS, *N.J.S.A.* 40A:11-5(gg) provides for an exception to the public bidding requirement for the construction, operation and maintenance of wastewater treatment facilities:

40A:11-5 Exceptions. Any contract the amount of which exceeds the bid Threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by Resolution of the governing body if:

(1) The subject matter thereof consists of:

(gg) A contract for the provision of water supply services or wastewater treatment services entered into pursuant to section 2 of P.L.2002, c.47 (C.40A:11-5.1), or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15) or a wastewater treatment system as defined in subsection (19) of section 15 of P.L.1971, c.198 (C.40A:11-15), or any component part or parts thereof, including a water filtration system as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15).

WEHREAS, pursuant to *N.J.S.A.* 40A:11-5(1)(gg) the Authority has solicited proposals from and wishes to award a contract to American Aquatic Testing, Inc. for Bioassay Laboratory Testing Services; and

WHEREAS, the Executive Director has certified that sufficient funds are available for the purpose of the bid specification and that such funds have been appropriated for the budget year.

NOW, THEREFORE, BE IT RESOLVED by the Gloucester County Utilities Authority of the County of Gloucester, New Jersey, that the Board of Commissioners hereby authorizes the Chairman and/or Executive Director to execute an agreement with American Aquatic Testing, Inc. to perform the Bioassay Laboratory Testing Services through up to June 30, 2020 for the lab testing services remaining to be performed under the July 1, 2018 to June 30,

2020 Eurofins QC, Inc. contract in an amount not to exceed the balance of the \$73,200 Eurofins QC contract and seek recoupment from Eurofins QC for any loss to the Authority due to Eurofins QC's breach.

DULY ADOPTED at a meeting of the Gloucester County Utilities Authority held on **January 9, 2019.**

THE GLOUCESTER COUNTY UTILITIES AUTHORITY



HOWARD W. BRUNER, Chairman

ATTEST:


WALTER BERGLUND, Secretary

CERTIFICATION

The foregoing Resolution was duly adopted by the Commissioners of the Gloucester County Utilities Authority at a meeting held on the 9th day of January 2019.


WALTER BERGLUND, Secretary

IN WITNESS WHEREOF, the GCUA has caused this instrument to be signed by its Chairman, attested by its Secretary, and its corporate seal affixed hereto, pursuant to a Resolution of the said party of the first part passed for that purpose, and Contractor has caused this instrument to be signed by its properly authorized representative and its corporate seal affixed the day and year first above written.

ATTEST:

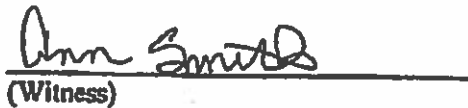

WALTER BERGLUND, SECRETARY

GLOUCESTER COUNTY
UTILITIES AUTHORITY


HOWARD W. BRUNER, Chairman

Dated this 13th day of June, 2018

ATTEST:


(Witness)

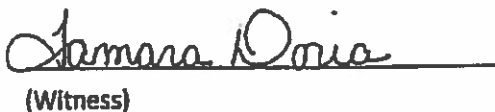
EUROFINS QC, INC.



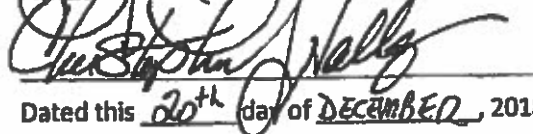
Dated this 15 day of June, 2018

American Aquatic Testing, Inc. (AAT) has reviewed this existing contract between THE GLOUCESTER COUNTY UTILITIES AUTHORITY (GCUA) and Eurofins QC, Inc. (Contractor) and is willing to assume the role of Contractor to perform the Bioassay Testing Services described herein and to agree to the payment schedule set forth in this document. AAT will assume the role of Contractor effective on January 1, 2019 and concluding on June 30, 2020.

ATTEST:


(Witness)

AMERICAN AQUATIC TESTING, INC.


Dated this 20th day of DECEMBER, 2018

THE GLOUCESTER COUNTY UTILITIES AUTHORITY

RESOLUTION NO. 2019-047

RESOLUTION OF THE GLOUCESTER COUNTY UTILITIES AUTHORITY AUTHORIZING THE SETTLEMENT OF CERTAIN CLAIMS BROUGHT FORTH BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND TAKING CERTAIN ACTION IN CONNECTION THEREWITH

BACKGROUND

WHEREAS, in 2014, The Gloucester County Utilities Authority ("Authority") a public body corporate and politic organized by the County of Gloucester, New Jersey and presently subsisting under the Municipal and County Utilities Authorities Law, constituting Chapter 183 of the Laws of 1957 of the State of New Jersey, as amended and supplemented (*N.J.S.A. 40:14B-1 et seq.*), determined that it was in the best interest of its customers and the surrounding community to decommission its legacy sewage sludge incineration units ("SSI Units") at the Authority's wastewater treatment plant in the Township of West Deptford and replace the SSI units with an anaerobic digester and combined heat and power system (collectively the "Digester Project");

WHEREAS, pursuant to its authority under the Clean Air Act, 42 U.S.C. Section 7401, the United States Environmental Protection Agency ("EPA") enacted regulations applicable to SSI Units that imposed new emissions limits and required SSI Unit operators to submit to a new testing, monitoring, and reporting regime as codified in 40 C.F.R. Part 62 Subpart LLL ("Subpart LLL") effective as of March 21, 2016;

WHEREAS, the Authority expected that the Digester Project would be completed and the SSI Units decommissioned by the effective date of Subpart LLL, but was unable to complete the Digester Project by that date due to delays in funding approvals beyond its control;

WHEREAS, as a result, the Authority informed the EPA and the New Jersey Department of Environmental Protection ("DEP") that the SSI Units would continue to operate past the effective date of Subpart LLL, that it would have financial difficulties in meeting Subpart LLL's requirements, and asked for EPA and DEP's forbearance in issuing any violations because the Authority intended to decommission its two SSI Units soon after the effective date;

WHEREAS, notwithstanding this request, the EPA issued a Notice of Violation ("NOV") dated April 12, 2017 arising from the Authority's inability to comply with Subpart LLL by the effective date, which NOV was joined in by DEP and jointly administered;

WHEREAS, the Authority decommissioned one of its two SSI Units in June 2017 in order to comply with Subpart LLL;

WHEREAS, the Authority conducted an emissions stack test in December 2017 indicating that its remaining SSI Unit met the emissions limitations of Subpart LLL;

WHEREAS, since the receipt of the NOV, the Authority, the EPA, and the DEP have engaged in settlement negotiations in an effort to resolve the NOV;

WHEREAS, in furtherance of such efforts, the Authority has agreed to terms of settlement of the EPA's and the DEP's claims set forth in the NOV and has agreed to enter into a settlement agreement to memorialize the terms thereof ("Settlement Agreement");

WHEREAS, pursuant to the Settlement, the Authority admits no guilt or wrongdoing, but has agreed to pay a stipulated penalty of \$132,500 to avoid the cost and uncertainty of litigation in connection with the EPA's claims;

WHEREAS, the Authority's professional advisors and general counsel have reviewed the terms of the Settlement and have found the same reasonable; and

WHEREAS, the Authority is now desirous of authorizing the execution of the Settlement Agreement and the payment of the stipulated penalty and taking certain other action in connection therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE GLOUCESTER COUNTY UTILITIES AUTHORITY AND THE MEMBERS THEREOF, THAT THE EXECUTIVE DIRECTOR IS AUTHORIZED TO ENTER INTO A SETTLEMENT AGREEMENT AS FOLLOWS:

Section 1. The Authority shall pay from its general funds the stipulated settlement in the amount of \$132,500 in two equal payments over a two-year period.

Section 2. The Authority shall pay the first installment of \$66,250 within thirty (30) days of executing the Agreement with EPA and DEP, in two payments equally divided between the government of the United States and the government of the State of New Jersey of \$33,125.

Section 3. The Authority shall pay the second installment of \$66,250 within 365 days of the first installment, together with interest accruing per the terms of the Settlement, in two payments equally divided between the government of the United States and the government of the State of New Jersey of \$33,125.

Section 4. A Settlement Agreement providing for the matters described in the preambles to this Resolution, and with such changes, additions or deletions as may be approved or recommended by the Authority's legal counsel and professional advisors and Executive Director, prior to the execution thereof, is hereby authorized and approved by the Authority.

Section 5. The Executive Director of the Authority is hereby authorized and directed to execute, acknowledge and deliver a Settlement Agreement consistent with the within Resolution and acceptable to the Executive Director and the Authority's legal counsels on behalf of the Authority and the Secretary or Assistant Secretary of the Authority are each hereby authorized and directed to attest to such execution.

Section 6. All actions heretofore taken and documents prepared or executed by or on behalf of the Authority by its members, other Authority officials and by the Authority's professional advisors, in connection with the matters set forth in this Resolution, the settlement of the NOV, the execution and delivery of the Settlement Agreement, the payment of the stipulated settlement or any other action in connection therewith, are hereby ratified, confirmed, approved and adopted.

Section 7. The Chairman, Executive Director or any other officer of the Authority who shall have the power to execute contracts pursuant to the applicable law, is hereby authorized to execute, acknowledge and deliver such other documents and instruments (to be attested by the Secretary or Assistant Secretary of the Authority) and take all other actions as may be necessary or appropriate to settle the NOV, execute and deliver the Settlement Agreement and pay the stipulated settlement amount.

Section 8. This Resolution shall take effect upon the earliest date permitted by law after adoption this 9th day of January, 2019.

**THE GLOUCESTER COUNTY UTILITIES
AUTHORITY**

By: 
HOWARD W. BRUNER, Chairman

[SEAL]

ATTEST:


WALTER BERGLUND, Secretary
CERTIFICATION


The undersigned, Secretary of The Gloucester County Utilities Authority, hereby certifies that the foregoing is a true and correct copy of a Reimbursement Resolution adopted at the duly convened meeting of the Authority held on January 9, 2019, at which a quorum was at all times present and acting, by the following vote:

MOTION: *James Sabetta*

SECOND: *Ralph Cossaboon*

RECORDED VOTE:

Member:	Aye	Nay	Abstain	Absent
Howard Bruner	✓			
James Sabetta	✓			
Walter Berglund	✓			
Salvatore Fogarino				✓
Thomas Bianco	✓			
Joseph Bilbow	✓			
Richard Giuliani	✓			
Danielle Halpin	✓			
Ralph Cossaboon	✓			



WALTER BERGLUND, Secretary
The Gloucester County Utilities Authority