

RESOLUTION

WHEREAS, the EWING-LAWRENCE SEWERAGE AUTHORITY (the “Authority”) operates a wastewater treatment facility which discharges treated wastewater into the Assunpink Creek in Lawrence Township, New Jersey pursuant to a New Jersey Pollutant Discharge Elimination System (“NJPDES”) permit;

WHEREAS, on September 30, 2009, DEP issued a renewal NJPDES permit to the Authority (“2009 Permit”) containing an effluent limitation for nitrate;

WHEREAS, the Authority requested an adjudicatory hearing to contest the effluent limitation for nitrate, and simultaneously, requested a stay of the nitrate limit;

WHEREAS, DEP granted both the hearing request and the stay;

WHEREAS, DEP subsequently moved for summary decision in the Office of Administrative Law and such motion was granted in an Initial Decision by the Administrative Law Judge despite the objection of the Authority;

WHEREAS, on February 14, 2023, the DEP Commissioner issued a Final Decision adopting the ALJ’s Initial Decision upholding the effluent limitation for nitrate, and terminating the stay of the nitrate limit;

WHEREAS, the Authority appealed the Final Decision of the Commissioner to the New Jersey Superior Court, Appellate Division;

WHEREAS, the Authority also filed a motion with DEP requesting a stay of the Final Decision pending appeal;

WHEREAS, by Order dated November 1, 2023, DEP denied the Authority’s motion for a stay pending appeal;

WHEREAS, the Authority subsequently filed a motion for a stay pending appeal with the Appellate Division;

WHEREAS, by Order dated January 4, 2024, the Appellate Division denied the Authority’s motion for a stay pending appeal;

WHEREAS, pursuant to N.J.A.C. 7:14A-22.17, the Authority is required to impose a sewer connection ban where,

[f]or a three month consecutive period, a treatment works has discharged effluent to the surface water which violates any non-conventional pollutant of its NJPDES or NPDES permit, as determined by the arithmetic average of the permit parameters for the period.

WHEREAS, because DEP has refused to stay the effluent limitation for nitrate pending appeal, the Authority's wastewater treatment facility has, for a three month consecutive period, discharged effluent to the Assunpink Creek which exceeds the effluent limitation for nitrate;

NOW, THEREFORE BE IT RESOLVED that:

1. The Authority hereby imposes a sewer connection ban pursuant to N.J.A.C. 7:14A-22.17;

2. The Authority shall cease the further approval of sewer connections as of the date of this Resolution;

3. The Authority shall notify the Townships of Lawrence, Ewing and Hopewell that they shall cease the issuance of building permits and condition all other approvals which will require or modify a sewer connection, and which have not already obtained a valid treatment works approval issued by DEP, unless such projects qualify for and obtain a sewer connection ban exemption or do not require a treatment works approval.

4. The Authority shall give further notice of the sewer connection ban as required by N.J.A.C. 7:14A-22.18(a)(4).

5. The Authority hereby adopts the sewer connection ban exemption criteria set forth in N.J.A.C. 7:14A-22.22.

6. The sewer connection ban shall, pursuant to N.J.A.C. 7:14A-22.18(f), remain in full force and effect until such time that a sewer connection ban is no longer required pursuant to N.J.A.C. 7:14A-22.17, and DEP approves the rescission of the sewer connection ban in writing.

7. The Executive Director is hereby authorized to consult with, and obtain the services of, the Authority's professionals, and take such other action as is necessary to effectuate the purpose and intent of this Resolution.

CERTIFICATION

I, S. Robert Filler, Executive Director for the Ewing-Lawrence Sewerage Authority, do hereby certify that the above is a true and correct copy of the resolution adopted by the Authority at its regular meeting held January 16th, 2024.



S. Robert Filler
Executive Director

DATED: January 16, 2024