

Minutes of Meeting #583, July 27, 2020 – Stony Brook Regional Sewerage Authority

LOCATION: Via Teleconference, Conference Room, River Road Plant, Princeton, NJ

MEMBERS PRESENT: Downey, Goldfarb, Morehouse, Switlik, Vilaro-Munet

MEMBERS ABSENT: Patel

CONSULTANTS: Alexander

STAFF PRESENT: Christiano, Doelling, Pchola, Sears, Thomas

583.01

Chairman Downey opened the regularly scheduled meeting at 7:02 pm. Chairman Downey indicated that pursuant to Section 13 of the Open Public Meetings Act, adequate notice of the time, place of this meeting and the teleconference information was given by filing with the Authority's official newspapers, each Clerk of each municipality and by being posted on the Princeton Bulletin Board and on the Authority's website.

583.02 Approval of Minutes

Ms. Pchola indicated that there are two changes to the meeting minutes. On page 20, under the Process Control/SCADA section the information stated should be deleted and replaced to read, "The quarterly meter certifications were performed by W.G. Malden on June 1, 2020. Certification of Princeton Pump Station was performed on June 4, 2020. Preventative maintenance was completed for all field devices and process control loops." Also, on page 20, the Plant Influent Flow Meter section should be included and reads, "SBRSA staff continues with the calibration checks on the two (2) flow transmitters to establish historical accuracy data for each transmitter. Provided is the comparison summary of the sum of our billing meters versus the River Road plant influent meter. The new ABB Plant Influent low-side flow meter was installed on June 12, 2020."

The revised minutes from the June 22, 2020 Board meeting were approved on a motion by Mr. Morehouse, seconded by Mr. Vilaro-Munet and passed by a vote of 5 to 0.

583.03 Board Related Activities

Consultant List

Ms. Pchola stated there was an amendment to the construction services contract for the River Road WWTP UV Filter Project that would be discussed in the Construction Section.

583.04 Planning and Administration

Ms. Pchola reported that the most current 12-month average daily flow at the River Road WWTP is 9,404,722 gpd with 2,922,252 gpd of available capacity. The current 12-month average daily flow at the Hopewell WWTP is 249,847 gpd with 50,153 gpd of available capacity. The current 12-month average daily flow at the Pennington WWTP is 225,823 gpd with 41,720 gpd of available capacity.

Dr. Downey stated that the weather has been very dry.

Ms. Pchola reported that the monthly meter verifications were performed by staff on July 1 and July 2, 2020. All meters were within $\pm 5\%$.

Ms. Pchola reported at Meter Station No. 7 the 6-inch Parshall flume experienced a self-clearing clog during the early morning of June 28, 2020. Monthly reported flows for June 28, 2020 were substituted with the average flow of the day before, June 27, 2020, and the day after, June 29, 2020.

583.05 Approval Requests and Actions

Mr. Doelling reported that 3,300 gpd from the Autumn Hill Sanitary Sewer Line Extension was added to the Municipality of Princeton's inoperable flow and the five (5) Heritage at Pennington - Phase 2 units, with a total projected flow of 1,500 gpd were removed from the Pennington WWTP inoperable flow. Provided in the report was the letter sent to the Borough of Pennington regarding the five (5) homes approved for sewer system connection.

583.06 Regulatory Report

Mr. Doelling stated that there was one (1) affirmative defense submitted to NJDEP during the reporting period. The reported incident was due to a power outage on June 3, 2020.

Mr. Doelling indicated that the results from the 2020 Proficiency Test (PT) Study samples for the River Road, Hopewell, and Pennington facilities was provided in the report.

Dr. Downey requested that staff include in the report the year to date (YTD) number of affirmative defense events submitted to NJDEP, in addition to the total of the minutes the bypass is open during those events.

Mr. Doelling stated that the incidents are also reported in the Semi-annual Subpart LLL to the USEPA and the Semi-annual Title V Deviation Report submitted to NJDEP.

There were no other Board member comments on the Regulatory Report. The following Regulatory Report is included in the meeting minutes for information.

Discharge Monitoring Report (DMR)/Residual Discharge Monitoring Report (RDMR)

- The Discharge Monitoring Reports for the month of May 2020 were submitted with no violations reported. The June 2020 DMRs are currently being prepared.
- The April 2020 RDMRs were submitted to NJDEP. All River Road parameters were compliant with the Air Permit requirements. The May 2020 RDMRs are currently being prepared.

The River Road Semi-Annual Effluent Surface Water Discharge Waste Characterization Report was submitted to NJDEP for the period January 1, 2020 to June 30, 2020.

The River Road Annual Effluent Surface Water Discharge Waste Characterization Report was submitted to NJDEP for the period ending June 30, 2020.

Air Reporting

The 2nd quarter 2020 Excess Emissions and Monitoring Performance Report (EEMPR) is currently being reviewed.

Federal 40 CFR 60 Subpart O Semi-annual Report for the incinerators is being reviewed.

Preparation of the Semi-annual Title V and Subpart LLL Deviation Report is currently in progress.

583.07 Safety

Mr. Doelling reported that SBRSA continues to issue up-to-date memos regarding the travel advisory for all individuals entering the State of New Jersey from states with a significant spread of COVID-19.

There were no Board member comments on the Safety Report. The following Safety Report is included in the meeting minutes for information.

Accident Report

There were zero “Lost Time” and “No Lost Time” accidents/injuries this period. As of July 21, 2020, Stony Brook Regional Sewerage Authority has gone 1471 consecutive days without a “Lost Time” accident. Attached is an up to date graph depicting the historic annual trends of “Lost Time” and “No Lost Time” accidents and injuries.

2019 Kleinfelder Annual Inspection Report

Staff continues to address priority items highlighted during the 2019 Annual Inspection. Provided was a spreadsheet summarizing the items status.

2020 Kleinfelder Annual Inspection Report

The 2020 Kleinfelder annual inspection continued July 15 & 16, 2020. Inspection of the Hopewell Facility and our five Metering Stations are complete. Once the full inspection is complete, staff will provide the Board with the report.

Inspections

The annual fire hydrant and fire sprinkler inspection was conducted by Survivor Fire on June 29, 2020. No issues were identified.

The annual fire door inspection was conducted by Fyr-Fyter on June 30, 2020. No issues were identified.

The annual fire inspection was conducted by the West Windsor Fire & Emergency Services on July 9, 2020. No issues were identified.

Training

Workplace Safety 101 training was provided in-house to the newly hired operator on June 23, 2020.

Miscellaneous

Staff continues to participate in COVID-19 web-conference check-in meetings hosted weekly by the New Jersey Association of Environmental Authorities (AEA).

The state of New Jersey has issued an incoming travel advisory for all individuals entering New Jersey from states with a significant spread of COVID-19. Provided was the series of travel advisory memos that were distributed to staff on July 7, July 14 and July 22, 2020 informing staff of the 14-day quarantine advisory which currently applies to travel from 31 states.

There were no reports of any employees having been exposed to COVID-19 during this reporting period.

583.08 Litigation

The Litigation Report is included in the meeting minutes for information.

I. Stony Brook Regional Sewerage Authority vs. New Jersey Department of Environmental Protection, Docket No. ELU 14426-17 (NJPDES Permit Appeal) and EER-WQ 11445-18 (Permit Modification Appeal) (Consolidated) (River Road STP)

The final NJPDES permit received on January 26, 2006 included a 0.1 mg/L monthly phosphorus limit, effective January 1, 2011. A “Request for Hearing” was filed with the

NJDEP on February 24, 2006 to contest this limit and several other items. On March 11, 2007, a letter was received from Nancy Wittenberg, Assistant Commissioner, indicating that in recognition of the fact that the TMDL based phosphorus limits will soon be available, the Department has granted a Stay of the (not yet effective) phosphorus limit until further notice. On March 28, 2007, the Bureau of Point Source Permitting sent a follow-up letter, which included all three plants and indicated that the phosphorus limits will be stayed until further notice. Meetings between representatives of the SBRSA and NJDEP were held on January 16, 2014 and September 17th, 2014 with representatives of the NJDEP. Agreement was reached on the issues of Phosphorus and other issues raised. The contested issues relevant to SBRSA's blending line and the Infiltration/Inflow requirements remain an issue. Unless SBRSA agrees to delete references to blending line use from its permit and rely upon enforcement to grant affirmative defenses, if applicable, this issue will remain outstanding and subject to further litigation. NJDEP further advised that Nitrate effluent limitations would be established in the upcoming permit renewal.

A meeting with NJDEP was held on May 5, 2015, wherein blending during periods of excessive wet weather was again discussed. The NJDEP advised regarding the position of the USEPA regarding blending, both on a permanent and temporary basis. USEPA and NJDEP approval would be needed for SBRSA to obtain a permit that contains a provision allowing the bypass of secondary treatment during excessive wet weather events. In order to obtain approval, a No Feasible Alternatives Analysis process must be followed. NJDEP provided guidance regarding this process.

On February 1, 2016, NJDEP issued a Draft Surface Water Renewal Permit for the River Road facility. This renewal carries forward the unresolved blending line issue from the previous permit. New issues include Nitrate; Removal of the Quantification Levels and Sufficiently Sensitive Test Methods, particularly with respect to Chlorine Produced Oxidants; calculation of the Chlorine Produced Oxidant limitations; Chlorodibromomethane and Bromodichloromethane limitations, E. Coli effluent limitations, the Capacity Assurance Program provisions and provisions regarding evaluation of Local Limitations for Chlorodibromomethane and Bromodichloromethane.

NJDEP issued a final permit to SBRSA on May 31, 2016, which did not resolve the contested issues contained in the draft permit issued on February 1, 2016. With the issuance of the final permit, the previous permit appeal is now moot and a letter withdrawing the same, without prejudice, will be filed with the Honorable James-Beavers, ALJ.

On June 27, 2016, SBRSA filed a Request for an Adjudicatory Hearing relevant to the contested issues identified in the final NJPDES Permit.

On February 14, 2017, Association of Environmental Authorities (AEA) representatives, including myself, John Kantorek and Jim Cosgrove, met with NJDEP to discuss Sufficiently Sensitive Test Methods (SSTM) concerns, Water Quality Standards for Arsenic and the status of the Drinking Water Intake Protection Rule. The discussion was initiated by the AEA, an organization that endeavors to advocate for and advance the interests of its members, including water and wastewater authorities. The parties made significant progress

toward resolution of these issues. On February 14, 2017, NJDEP issued a draft modification of SBRSA's NJPDES Permit to incorporate an RQL of 0.02 mg/L for CPO, thereby establishing a more appropriate level of sensitivity for compliance testing for the CPO parameter. A thirty (30) day comment period, within which time SBRSA may submit comments regarding this draft modification, ended on March 17, 2017. Comments were submitted on behalf of SBRSA on March 9, 2017, requesting further revisions to the RQL. A status conference call before Judge James-Beavers occurred on March 15, 2017, wherein the Judge was apprised of these developments. The next status conference is scheduled for September 18, 2017.

NJDEP issued a final permit modification to SBRSA on July 24, 2017, which established a Chlorine Produced Oxidant (CPO) Quantitation Level (QL) of 0.02 mg/l. SBRSA contends that this level of accuracy has not yet been attained utilizing the Colorimetric method of analysis, and accordingly, the permit modification did not resolve the contested issues regarding CPO and Sufficiently Sensitive Test Methods (SSTM) contained in SBRSA's NJPDES Permit. On August 23, 2017, a brief telephone conference was held with NJDEP wherein a discussion of the issue occurred, to be followed by the submission of additional information and further discussions. SBRSA filed a Request for an Adjudicatory Hearing and Stay relevant to the contested issues identified in the final NJPDES Permit Modification on August 24, 2017.

On October 17, 2017, SBRSA received a letter from NJDEP addressing the Stay Request submitted on behalf of SBRSA on May 27, 2016. With respect to SBRSA's request for a stay of the Nitrate limits, NJDEP has granted SBRSA a stay of the nitrate limits. With respect to SBRSA's request for a stay of the permit conditions relevant to the Blending/Plant Protection Line, NJDEP advised that it continues to explore the bypass/blending issue with EPA, and as a result, the NJDEP is not rendering a decision regarding a stay on the bypass line at this time. The NJDEP will address this issue at a later date. With respect to CPO, NJDEP advised that after it had issued the May 27, 2016 final NJPDES permit, the NJDEP determined that a detection level of 0.01 mg/L could not be reliably attained. As a result, the Department issued a major permit modification to SBRSA (which SBRSA has also challenged) specifying a Required Quantitation Level of 0.02 mg/L retroactive to July 1, 2016. NJDEP has granted SBRSA's request for a stay for CPO from the period of July 1, 2016 up until June 30, 2017 only. This action resolves the June 27, 2017, Notice of Violation issued by the NJDEP. Since July 1, 2017, the Required Quantitation Level of 0.02 mg/L is applicable. With respect to SBRSA's request for a stay of implementation of the Sufficiently Sensitive Test Methods Rule (SSTM); reinstatement of the prior Quantitation Levels and establishment of a compliance schedule, NJDEP has denied SBRSA's request for a stay.

This matter has been assigned to Judge Tricia Caliguire and DAG Jacobine Dru. A prehearing conference was held on November 27, 2017 wherein the parties discussed the outstanding issues. The next status conference will be held on January 31, 2018.

A conference call was held between representatives of the SBRSA and NJDEP on April 10, 2018 wherein the contested issues were discussed. Briefly stated, NJDEP is working to resolve the contested nitrate issue which remains stayed in the interim; additional discussion

of the Blending/Plant Protection Line is required between NJDEP and EPA; CPO will be addressed by SBRSA and NJDEP will work with SBRSA relative to the timeline for upgrade of the SBRSA's disinfection system; and NJDEP is currently working on a table of Quantitation Levels to address issues relevant to compliance with the Sufficiently Sensitive Test Methods Rule (SSTM).

DAG Jacobine Dru contacted me in advance of the next status conference with Judge Caliguire scheduled for June 26, 2018. DAG Dru advised me that NJDEP has determined that there will be no further attempts to resolve the Nitrate issue and that it will rely upon the rule as it stands. This will be conveyed to Judge Caliguire on June 26th and SBRSA's hearing request will proceed to hearing on the issue of Nitrates.

A telephone conference was held on September 17, 2018, with respect to the appeal of the permit modification which amended the CPO effluent limitation from 0.01 mg/L to 0.02 mg/L (SSTM issue). The matter had been assigned to Judge Caliguire and DAG Jacobine Dru. During the telephone conference, it was determined that a request for consolidation of the permit modification matter and NJDEP permit appeal should be submitted to the court. Judge Caliguire advised that she will grant this request and the matters will be consolidated. The next status conference is scheduled for October 2, 2018. While settlement negotiations continue, the hearing in this matter is currently scheduled for December 10, 2018, December 12, 2018 and December 14, 2018, if the parties cannot resolve the outstanding issues.

As a result of a written request and subsequent telephone conference with Judge Caliguire, the hearing in this matter scheduled for December 10, 2018, December 12, 2018 and December 14, 2018, was adjourned while the parties continue to work to resolve the outstanding issues. The next status conference is scheduled for March 11, 2019 at 3:30 pm.

A status conference was held on March 11, 2019 wherein the status of negotiations of the contested issues was discussed. It was agreed upon that the matter would be placed on the inactive list for 6 months. An Order of Inactivity was signed by Judge Caliguire on March 20, 2019. During this period, the parties are expected to continue to work to resolve the outstanding issues.

By letter dated June 20, 2019, from Susan Rosenwinkel, Bureau Chief, to A. Shurott-Pchola, P.E., NJDEP granted SBRSA's request for a stay of enforcement for the Bromodichloromethane and Chlorodibromomethane effluent limits.

By Order of Inactivity dated October 15, 2019, ALJ Tricia Caliguire ordered that this matter be placed upon the inactive list for a six month period and a prehearing conference held on March 16, 2020.

DAG Jacobine Dru has left the Division of Law, Environmental Permitting and Counseling (Attorney General's Office) and the matter has been reassigned to DAG Michael J. Schuit.

A telephone conference was held on June 18, 2020, wherein the Parties and Judge Caliguire discussed the outstanding issues and status. The matter was placed on the inactive list for 6

months, with the consent the Parties, allowing the Parties to continue to negotiate a mutually satisfactory resolution.

***II. Stony Brook Regional Sewerage Authority vs. New Jersey Department of Environmental Protection, Docket No. EWR 10494-2015S (Hopewell STP)**

On July 1, 2014, NJDEP issued a Final Surface Water Renewal Permit for the upstream Hopewell facility. This renewal carries forward issues unresolved from the draft, including Nitrate limitations. On August 4, 2014, a Request for Hearing and Stay of the contested permit limitations was filed on behalf of the SBRSA. The issues identified included: Nitrates and Capacity Assurance Program Implementation.

During the status conference of February 22, 2016, the outstanding issues were discussed and DAG Jacobine Dru advised that the Tiered Use Rule has not yet satisfied the first state of rulemaking (publication of the rule proposal) and that the second stage (publication of the final rule) is scheduled to occur sometime in 2017. Accordingly, Judge James-Beavers placed the matter on the inactive list for 6 months anticipating that during that time the Tiered Use Rule proposal would advance to publication. In the interim, the parties were encouraged to address those issues, if any, that are unaffected by the Tiered Use Rule. In this matter, other than Nitrates, the remaining issue is the Capacity Assurance Program Implementation requirements. The Draft Capacity Assurance Rules were promulgated in November, 2015 and are anticipated to be adopted in the spring of 2016. The next status conference is scheduled for September 7, 2016.

On September 7, 2016, during a telephone conference held in advance of the status conference with Judge James-Beavers, the parties discussed the outstanding issues (Capacity Assurance Program conditions and Nitrate effluent limitations) and NJDEP agreed that with respect to the issue of Capacity Assurance, the Department would approve a twelve month rolling average period in lieu of the 3-month rolling average currently contained in the permit to be used to determine if the Capacity Assurance Program requirements were triggered. With respect to the issue of Nitrates, the "Tiered Use Rule" proposal has been renamed the "Drinking Water Intake Protection (DWIP) Rule" and is anticipated to be proposed by the end of the year with adoption possibly in late 2017. The successful resolution of the Capacity Assurance Program issue was relayed to Judge James-Beavers, as well as the time frame for the DWIP Rule, and Judge James-Beavers placed the matter on the inactive list for a period of six (6) months.

On February 14, 2017, Association of Environmental Authorities (AEA) representatives, including myself, John Kantorek and Jim Cosgrove, met with NJDEP to discuss Sufficiently Sensitive Test Methods (SSTM) concerns, Water Quality Standards for Arsenic and the status of the DWIP Rule. The discussion was initiated by the AEA, an organization that endeavors to advocate for and advance the interests of its members, including water and wastewater authorities. The parties made significant progress toward resolution of these issues. NJDEP has advised that the DWIP Rule is a high priority for the Department. Additionally, a status conference was held on March 15, 2017, with Judge James-Beavers and DAG Jacobine Dru, wherein the litigation filed by SBRSA was placed back onto the

inactive list for six (6) months. The next status conference before Judge James-Beavers is scheduled for September 18, 2017.

A status conference call before Judge James-Beavers occurred on September 18, 2017, wherein the Judge was apprised of the status of the outstanding issues. The next status conference is scheduled for December 18, 2017.

As I advised the Board at the December 18th Board Meeting, a status conference call with Judge James-Beavers occurred on December 18, 2017, wherein the Judge was apprised of the status of the outstanding issues. The status conference scheduled for March 21, 2018 was adjourned due to a snowstorm and has been rescheduled for July 25, 2018.

On April 27, 2018, NJDEP issued a Pre-draft NJPDES Permit proposing to remove the Nitrate effluent limitations and addressing the Capacity Assurance Program implementation issues raised by SBRSA. SBRSA reviewed the Pre-draft NJPDES Permit prior to NJDEP's issuance of a draft permit and commencement of the formal comment period on May 17, 2018. The pre-draft and draft NJPDES Permits are essentially identical and favorably resolve the outstanding contested issues. The substantive changes propose to remove the nitrate limits, include minor changes to accommodate the new CAP regulations, and propose minor reporting requirements revisions. SBRSA is now awaiting final permit issuance prior to conclusion of this matter.

A telephone conference was held on September 19, 2018, with respect to the appeal of the permit for the upstream facilities. DAG Dru advised the court that NJDEP has not yet issued the final permit, but that it intends to do so.

A telephone conference was held on January 9, 2019, with respect to the appeal of the permit for the upstream facilities. DAG Dru advised the court that NJDEP has not yet issued the final permit, and that it was under legal review, and that NJDEP intends to issue the same shortly.

The final permit was issued on February 7, 2019 and has been reviewed to confirm that it favorably addresses the contested issues raised by SBRSA. Since the permit favorably resolves all contested issues, it is recommended that the matter be withdrawn upon execution of the Stipulation of Settlement proposed by the NJDEP. Upon receipt of a fully executed settlement document, our office will withdraw the hearing request and request that the status conference scheduled for May 8, 2019 be adjourned with respect to the Hopewell STP NJPDES permit appeal.

A status conference was held on May 8, 2019 wherein the status of the Stipulation of Settlement was discussed. All issues have been resolved and a new final permit issued. The settlement document is anticipated to be released soon. The next status conference is scheduled for September 10, 2019.

A status conference was held on September 10, 2019 wherein the status of the settlement document was discussed with Judge James-Beavers and DAG Dru. DAG Dru advised that

the settlement documents remain under review and that a final document is anticipated soon. Since SBRSA has already received a final NJPDES Permit resolving all contested issues, Judge James-Beavers was agreeable to scheduling a status conference for January 8, 2020, by which time it is anticipated that the settlement documents will be finalized.

DAG Jacobine Dru has left the Division of Law, Environmental Permitting and Counseling (Attorney General's Office) and the matter has been reassigned to DAG Michael J. Schuit.

Judge James-Beavers has left the Office of Administrative Law for the Superior Court and the matter has been assigned to Honorable Tricia M. Caliguire, ALJ. She also is assigned the River Road matter, so she is familiar with NJPDES Permit issues. At a status conference held on January 9, 2020, the parties discussed the status of the settlement documents and DAG Schuit agreed to contact the NJDEP and advise the court regarding when the documents will be finalized.

A preliminary draft permit was received on January 10, 2020, and comments have been submitted to NJDEP regarding the following conditions contained in the preliminary draft permit: low flow statistics associated with Beden Brook have been inappropriately reduced to reflect no flow; nitrate issues; Whole Effluent Toxicity (WET) monitoring frequency; Chlorine Produced Oxidants (CPO) language regarding use of RQL if greater than the effective effluent limitation; monthly average limitations for Phosphorus; Effective date of permit limitations issues and other minor issues.

NJDEP issued a draft permit on April 1, 2020 which resolved several of the issues raised in response to the preliminary draft. Those issues remaining are: nitrate limitations; Whole Effluent Toxicity (WET) monitoring frequency, Industrial Pretreatment Program Requirements and other minor issues. SBRSA staff and its consultants are currently preparing comments, which must be submitted to NJDEP by May 15, 2020.

A status conference was held on April 21, 2020 with Judge Caliguire and DAG Schuit wherein the status of the permit was discussed as well as SBRSA's withdrawal of the 2014 permit appeal without prejudice as to the issues raised relevant to the 2020 draft permit. The letter of withdrawal without prejudice was submitted on April 21, 2020, and the matter withdrawn without prejudice.

Draft Permit comments were submitted on behalf of the SBRSA on April 30, 2020 raising issues regarding nitrate effluent limitations; compliance schedules for nitrate, phosphorus and bromodichloromethane; Chronic Whole Effluent Toxicity monitoring frequency; bromodichloromethane effluent limitations; cyanide monitoring and industrial pretreatment program requirements.

On July 13, 2020, NJDEP issued a draft permit modification proposing the removal of nitrate effluent limitations, revising nitrate monitoring requirements and addressing minor issues raised by SBRSA. Notice of the proposed draft permit modification was published in the July 22, 2020 NJ Bulletin. The public comment period closes on August 21, 2020.

***III. Stony Brook Regional Sewerage Authority vs. New Jersey Department of Environmental Protection, Docket No. ELU 10493-2015S (Pennington STP)**

On July 1, 2014, NJDEP issued a Final Surface Water Renewal Permit for the upstream Pennington facility. A Request for an Adjudicatory Hearing and Stay of the contested permit limitations was filed on August 8, 2014. Issues contested included: Drinking Water Related Effluent Limitations - Nitrate, Arsenic, Total Dissolved Solids (TDS), and Dichlorobromomethane (DCBM) Limits; Summer Ammonia Limitations; Chronic Whole Effluent Toxicity Limitations; Capacity Assurance Program Implementation and Imposition of Final Phase effluent limitations.

During the status conference of February 22, 2016, the outstanding issues were discussed. Chronic Whole Effluent Toxicity Limitations had been resolved through a permit modification. DAG Jacobine Dru advised that the Tiered Use Rule had not yet satisfied the first state of rulemaking (publication of the rule proposal) and that the second stage (publication of the final rule) is scheduled to occur sometime in 2017. Accordingly, Judge James-Beavers placed the matter on the inactive list for 6 months anticipating that during that time, the Tiered Use Rule proposal would advance toward publication and address the Nitrate issue. In the interim, the parties were encouraged to address those issues, if any, that are unaffected by the Tiered Use Rule. In this matter, those other remaining issues are: Dichlorobromomethane (DCBM) Limits; Summer Ammonia Limitations; Capacity Assurance Program Implementation and Imposition of Final Phase effluent limitations. With respect to Capacity Assurance Program Implementation issues, the Draft Capacity Assurance Rules were promulgated in November, 2015 and are anticipated to be adopted in the spring of 2016. The next status conference is scheduled for September 7, 2016.

On September 7, 2016, during a telephone conference held in advance of the status conference with Judge James-Beavers, the parties discussed the outstanding issues (Dichlorobromomethane (DCBM) Limits; Summer Ammonia Limitations; Capacity Assurance Program Implementation and Imposition of Final Phase effluent limitations and Nitrate effluent limitations). SBRSA advised that DCBM would be addressed within the context of a contemplated plant upgrade, thus resolving that issue. NJDEP agreed that the Summer Ammonia Limitation could be modified as requested by SBRSA. With respect to the issue of Capacity Assurance, the Department agreed to approve a twelve month rolling average period in lieu of the 3-month rolling average currently contained in the permit. The 12-month average period would be used to determine if the Capacity Assurance Program requirements were triggered. With respect to the imposition of the final phase effluent, more stringent, effluent limitations, NJDEP would revisit that issue based upon SBRSA's concerns and consider a different mechanism to initiate the imposition of the final, more stringent, effluent limitations than flow alone.

With respect to the issue of Nitrates, the "Tiered Use Rule" proposal has been renamed the "Drinking Water Intake Protection (DWIP) Rule" and is anticipated to be proposed by the end of the year with adoption possibly in late 2017. The successful proposed resolution of some of the outstanding issues was relayed to Judge James-Beavers, as well as, the time

frame for the DWIP Rule. Judge James-Beavers placed the matter on the inactive list for a period of six (6) months.

On February 14, 2017, Association of Environmental Authorities (AEA) representatives, including myself, John Kantorek and Jim Cosgrove, met with NJDEP to discuss Sufficiently Sensitive Test Methods (SSTM) concerns, Water Quality Standards for Arsenic and the status of the DWIP Rule. The discussion was initiated by the AEA, an organization that endeavors to advocate for and advance the interests of its members, including water and wastewater authorities. The parties made significant progress toward resolution of these issues. NJDEP has advised that the DWIP Rule is a high priority for the Department. Additionally, a status conference was held on March 15, 2017, with Judge James-Beavers and DAG Jacobine Dru, wherein the litigation filed by SBRSA was placed back onto the inactive list for six (6) months. The next status conference before Judge James-Beavers is scheduled for September 18, 2017.

A status conference call before Judge James-Beavers occurred on September 18, 2017, wherein the Judge was apprised of the status of the outstanding issues. The next status conference is scheduled for December 18, 2017.

As I advised the Board at the December 18th Board Meeting, a status conference call with Judge James-Beavers occurred on December 18, 2017, wherein the Judge was apprised of the status of the outstanding issues. The status conference scheduled for March 21, 2018 was adjourned due to a snowstorm and has been scheduled for July 25, 2018.

A telephone conference was held on September 19, 2018, with respect to the appeal of the permit for the upstream facilities. DAG Dru advised the court that NJDEP is still reviewing a potential resolution of some or all of the outstanding issues, but has not yet finalized their proposal. The next status conference is scheduled for January 9, 2019.

A telephone conference was held on January 9, 2019, with respect to the appeal of the permit for the upstream facilities. DAG Dru advised the court that NJDEP continues to evaluate options to resolve the issues raised, but that NJDEP has not finalized its proposal at this time.

A status conference was held on May 8, 2019 wherein DAG Dru again advised the court that the prior solutions being considered, with respect to the remaining TDS issue, were not sufficient to fully resolve the issue and that NJDEP continues to evaluate other options to resolve the issues raised. Negotiations are continuing.

A status conference was held on September 10, 2019 wherein the status of negotiations regarding the outstanding TDS issue was discussed with Judge James-Beavers. DAG Dru advised that the NJDEP is proposing a potential resolution of the TDS issue, and that negotiations are continuing. Accordingly, Judge James-Beavers scheduled the next status conference for January 8, 2020.

DAG Jacobine Dru has left the Division of Law, Environmental Permitting and Counseling (Attorney General's Office) and the matter has been reassigned to DAG Michael J. Schuit.

Judge James-Beavers has left the Office of Administrative Law for the Superior Court and the matter has also been assigned to Honorable Tricia M. Caliguire, ALJ. At a status conference held on January 9, 2020, the parties discussed the status of the contested issues and the NJDEP's determination that a socio-economic study could be undertaken in an effort to resolve the outstanding TDS issues. The parties discussed placing the matter on the inactive list pending the completion of the study and NJDEP's review of the same. DAG Schuit agreed to discuss a stay with his client and will advise if that is the course that NJDEP wishes to pursue.

A Pre-draft Permit was issued by NJDEP on May 15, 2020. Comments were submitted to NJDEP on June 4, 2020. The issues noted in the comments are: Nitrate Summer limits; Chlorine Produced Oxidants (CPO) and Bromodichloromethane Limits, which will not be necessary as the upgrade to the facility incorporates UV disinfection; Total Dissolved Solids (TDS); Industrial Pretreatment Program Requirements; Cyanide Monitoring; and WWTP Location.

A socio-economic analysis report, prepared by Kleinfelder, was submitted to NJDEP on June 19, 2020. The next status conference with Judge Caliguire and DAG Schuit is scheduled for August 11, 2020.

IV. River Road Title V Air Permit

An Adjudicatory Hearing Request and Request for Stay of Enforcement was filed on behalf of SBRSA on June 5, 2018 to address the bypass stack issues contained in the Title V Operating Permit BOP060003, which was received on May 17, 2018, and revised on May 30, 2018. The Hearing Request contests NJDEP's determination not to permit SBRSA's use of SBRSA's Emergency Bypass Stack (U1 OS2 and OS4), which has been included in previous permits. SBRSA requests that language be added to SBRSA's Title V permit to enable SBRSA to appropriately operate its incinerators without threat of penalty and without endangering its employees or risking damage to its facilities.

Although the Significant Modification to the Title V Air Permit issued by NJDEP on May 17, 2018, advised that SBRSA had 20 days to file a request for an adjudicatory hearing, SBRSA was advised during a telephone conference with NJDEP on July 12, 2018, that it must refile the hearing request upon receipt of a "final" Significant Modification. The same was received on July 16, 2018 and we are in the process of re-submitting the hearing request. SBRSA received additional information from James Scarvalli, Acting Manager, Air Compliance and Enforcement, NJDEP, on July 19, 2018, regarding the bypass issue and affirmative defenses, which is currently under review.

On August 31, 2018, SBRSA received a Notice of Violation (NOV) dated August 27, 2018, alleging violations of the Clean Air Act, Subpart LLL. The NOV principally alleges that SBRSA failed to comply with the Emissions Guidelines in that SBRSA failed to continuously meet the emissions limitations by operation of the by-pass stacks, and

accordingly, SBRSA did not comply with Subpart LLL by the compliance date of March 21, 2016, and continues to be out of compliance. This issue is the same issue that is currently appealed to the Office of Administrative Law. The NOV also alleges that SBRSA failed to submit required documents to USEPA. SBRSA denies that its actions constitute violations of the Clean Air Act and requested a meeting with USEPA and NJDEP to defend the legality of the operation of the emergency by-pass stacks, previously approved by USEPA/NJDEP, to protect SBRSA employees and avoid the risk of damage to the facility.

An extensive response to the EPA NOV letter was submitted to USEPA/NJDEP on October 24, 2018. A meeting was held with Ms. Anhthu Hoang, Assistant Regional Counsel, and representatives from USEPA and NJDEP, at USEPA's Offices in New York on October 25, 2018, wherein the issues alleged in the NOV were discussed. A supplemental response addressing questions raised at the meeting of October 25, 2018, is currently being prepared.

The response addressing questions raised at the meeting of October 25, 2018, was submitted to USEPA on December 20, 2018. Coincidentally, a request for additional information was received from USEPA by email on December 20, 2018. SBRSA's response addressing questions subsequently received from USEPA, was submitted to USEPA on March 15, 2019.

On July 1, 2020, SBRSA received a confidential Term Sheet for settlement purposes only, that was proposed on behalf of the USEPA, USDOJ, and NJDEP, intended to resolve alleged Clean Air Act violations including those set forth in the Notice of Violations (NOV) issued August 27, 2018. A telephone conference with USEPA, USDOJ and NJDEP is scheduled for August 10, 2020 to discuss the same.

583.09 Operations Report

Mr. Goldfarb indicated that during these recent periods with low flows, SBRSA has not received any odor complaints.

Ms. Pchola reported that TRC would be onsite next month to conduct odor sampling.

There were no other Board member comments on the Operations Report. The following Operations Report is included in the meeting minutes for information.

River Road Facility

The River Road Facility operated well during this reporting period.

The sustained low flows that we are experiencing are having an effect on the biological treatment systems at all of our facilities. We are making the necessary adjustments to ensure that we meet permit limits.

Staff hosed and hypo-chlorinated the media in all six of our multi-media filters. This is done periodically to help keep the media from clumping up which causes short circuiting of the filters.

Upstream Facilities

Both Upstream Facilities operated well during this reporting period. We are making the necessary adjustments to ensure that we meet permit limits due to the low flow conditions.

Odor Report

The staff received no Odor Complaints from our surrounding area during the month of June. We received no odor complaints during the partial July 2020 reporting period. The full July number will be reported in August 2020. The odor complaints appear on the graph showing the number of odor complaints received each year from January 1997 through present day July 2020.

Customer Septage and Sludge Deliveries

Reported for the month of June 2020 the quantity of liquid sludge was 1% below the budgeted amount, sludge cake was 42% above the budgeted amount, and gray water was 36% below the budgeted amount.

583.10 Maintenance

There were no Board member comments on the Maintenance Report. The following Maintenance Report is included in the meeting minutes for information.

While performing Routine Surveillance of the Modified Aeration (MA) Tanks at the River Road Facility on June 3, 2020 it was found that the two-inch Effluent Water Flushing Line was leaking in the MA Effluent Channel. Once the EFW line was located, Joseph Jingoli & Sons were scheduled to come onsite and make the necessary repairs. June 4, 2020 Joseph Jingoli & Sons were onsite to excavate the EFW line. Upon completion of the excavation the EFW line was shut down so the line could be cut, capped and pressure tested. After testing was completed the EFW System was place back into service.

Influent Valve No. 1 on Modified Aeration Tank No. 1 needed repair due to the anchoring system failing and not allowing the valve to open and close without great difficulty. The modifications were performed by Shafts & Sleeves and included fabricating a one-inch steel base plate that had to be re-anchored to the concrete wall. Once the modifications were completed the valve was tested for proper operation and the tank was placed into standby.

The Millstone Pump Station Wet Well Lights stopped functioning on February 21, 2020 due to a short in one of the pendulum light fixtures. After assessing the condition of the lighting, it was determined that the seven existing Explosion Proof High-Pressure Sodium fixtures be replaced with new energy efficient Explosion Proof LED fixtures. Six of the seven lights were replaced in early March, however due to COVID-19 Pandemic and waiting for the replacement explosion proof junction box the final light was installed on June 10, 2020.

During the operation of Sludge Cake Receiving Bin No. 2 on June 19, 2020, a loud noise was observed coming from Screw Feed Drive no. 6. After further investigation it was discovered the tail gear was broken and the pillow block was loose. A new tail gear from inventory was installed and the pillow block was re-aligned and fastened with new hardware. The screw was tested and placed into operation.

Safety concerns regarding access to the Parshall flume located at the Forrestal Meter Station were reported by the Instrumentation Department. When descending the ladder at the meter station there is only a small ledge to walk on and no safety railing around the drop hole exiting the chamber. An aluminum deck was fabricated and installed with stainless steel hardware at the bottom of the ladder. Also, a safety railing was installed around the open channel. This work was completed on June 23, 2020.

Filter No. 6 located at the River Road Facility was removed from service on June 24, 2020 to replace a leaking surface wash valve and hydraulic actuator. A new valve was installed with all new fasteners, seals and a new position indicating switch. The valve was tested for leaks and proper operation and placed into service at the end of the day.

The exhaust fan in the Liquid Sludge Odor Control Building was reported not working on July 6, 2020. After troubleshooting the exhaust fan, it was found to be in a state of disrepair and need of replacement. The existing fan was replaced on July 15, 2020 as well as a new weather hood for the wall opening. The new fan is now on a percentage timer switch which is set to run the fan every twenty minutes, of every hour, to help keep the temperature and humidity down during the warmer months.

Provided were several graphs that monitor our monthly progress. The current average monthly open work requests stand at twenty-five (25). On the Preventive Maintenance graphs, we currently are averaging three (3) days overdue and the number of overdue units is approximately twelve (12).

In addition to the graphs, provided was a list of completed Work Orders and Preventive Maintenance for the month of June 2020.

583.11 Construction Report

Mr. Doelling reported there are three (3) items for approval.

Mr. Doelling reported that additional comments received on July 15, 2020 from the Office of the State Comptroller (OSC) for the River Road WWTP UV Disinfection/Filtration Design Project are being addressed. The projected bid advertising date for this project has been moved to mid-August.

Mr. Doelling reported that at the request of staff, Kleinfelder (KLF) submitted an amendment request, dated July 22, 2020, to our Construction Phase Engineering Services Contract to include

additional on-site technical support services during construction. Our request was based on the size and complexity of the UV/Disinfection Project, ongoing projects, and potential of upcoming projects at the Authority. As indicated in the proposal, KLF will provide as-requested specific on-site technical support and resident inspection services during the active construction and startup phase of the project. Staff believes it would be beneficial for Kleinfelder to provide the on-site technical support to address specific technical issues that arise during construction and startup, and to provide supplemental inspection support when needed. The additional on-site services will be provided strictly on an as-requested, time charge basis, and will be tracked separately.

Staff recommended approval of Resolution 2020-056, Authorizing the Award of Amendment No. 1 to the “No Political Contributions Allowed” Contract for the River Road UV Disinfection and Effluent Filtration Project Construction Administration Services with Kleinfelder, Inc., in the amount of \$243,360, resulting in an increased fee of \$870,140.

Mr. Vilaro-Munet stated that Resolution 2020-056 was discussed in the Construction Committee meeting and was recommended.

Resolution 2020-056 was moved by Ms. Switlik, seconded by Mr. Vilaro-Munet and passed by a roll call vote of 4 to 0, 1 Abstain. Resolution 2020-056 follows.

**Resolution Authorizing the Award of Amendment No. 1
to the “No Political Contributions Allowed” Contract for the River Road UV
Disinfection and Effluent Filtration Project Construction Administration Services
with Kleinfelder, Inc.**

Resolution No. 2020-056

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA), entered into a contract with Kleinfelder, Inc. on November 18, 2019 for a “No Political Contributions Allowed” Contract for the River Road UV Disinfection and Effluent Filtration Project Construction Administration Services; and

WHEREAS, Kleinfelder, Inc. (KLF) submitted an Agreement indicating they would provide construction administration services for the River Road UV Disinfection and Effluent Filtration Project on a time charge fee basis not to exceed \$626,780 without prior written permission from Stony Brook Regional Sewerage Authority; and

WHEREAS, SBRSA requested Kleinfelder provide a proposal for supplemental on-site technical support to address specific technical issues that arise during construction and startup and to provide supplemental inspection support when needed; and

WHEREAS, Kleinfelder, Inc has submitted an amendment request dated July 22, 2020 outlining the cost of the on-site technical support services; and

WHEREAS, SBRSA staff have reviewed the amendment request and recommend approval of Amendment No. 1 in the amount of \$243,360 resulting in a total contract amount of \$870,140; and

WHEREAS, the SBRSA Chief Financial Officer (CFO) has determined and certified in writing that the combined value (original Contract and Amendment No 1) of the work will exceed \$17,500; and

WHEREAS, KLF has on file with SBRSA a Business Entity Disclosure Certification which certifies that KLF its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to a municipal political party committee of a governing body that appoints members to the Authority including, Princeton, South Brunswick Township, West Windsor Township, Hopewell Borough, Hopewell Township, and Pennington Borough, when the contract is awarded, or to any municipal candidate committee of any candidate for or holder of municipal elective public office of any such municipality when the contract is awarded; and

WHEREAS, the Stony Brook Regional Sewerage Authority has sufficient funds in unrestricted fund balance for this work.

NOW THEREFORE, BE IT RESOLVED that the Board of the SBRSA authorizes the Chairman to enter into an amended contract with Kleinfelder, Inc as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse			X	
Bharat Patel				X
Pamela Switlik	X			
Miguel Vilaro-Munet	X			

Mr. Doelling reported that the Pennington WWTP Upgrade and Expansion Project is 89.7% complete. Based upon a review of the contractor's submitted update to their construction schedule, it is anticipated that construction of the expanded capacity, limited in scope to Orbal Tank No. 1 online, will not be completed until late August 2020. Staff is working closely with CMS to responsibly complete the work associated with the Orbal Tank and installation of the equipment.

Dr. Downey stated that there is a lot of work connecting old equipment to new equipment.

Mr. Doelling reported that over the past reporting period BR Welding commissioned, tested, and trained SBRSA staff on the new odor control system at the Millstone Pump Station. The major items remaining to be completed include repair of the mansard roof and landscaping/site restoration.

Mr. Doelling reported that on July 21, 2020, bids for the repair of Incinerator No. 2 were opened and read aloud. Three (3) bids were received. The bid tabulation was provided in the report. The bid from the lowest bidder, Industrial Furnace Company, Inc. (IFCO) contained a material defect as reviewed and discussed with Counsel, which cannot be waived by the Authority. The second lowest bidder was Albertus Energy, Inc. with a bid price of \$108,738. This bid has been reviewed by staff and Counsel and has been determined to be in compliance with the bid specifications and in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. Albertus Energy, Inc. has conducted work for the Authority in the past and their performance has been favorable. Staff recommends award of the Multiple Hearth Incinerator No. 2 Repairs project to the lowest responsible bidder, Albertus Energy, Inc., in the amount of \$108,738. Staff recommended approval of Resolution 2020-054, Authorizing the Award of Contract: River Road STP Multiple Hearth Incinerator #2 Repairs.

Mr. Morehouse stated Resolution 2020-054 was discussed during the Construction Committee meeting and is recommended. Resolution 2020-054 was moved by Mr. Morehouse, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 5 to 0. Resolution 2020-054 follows.

**Resolution Authorizing the Award of Contract for the
River Road STP Multiple Hearth Incinerator #2 Repairs**

Resolution No. 2020-054

WHEREAS, the Stony Brook Regional Sewerage Authority (Authority) advertised for the receipt of sealed competitive bids in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. for the “River Road STP Multiple Hearth Incinerator #2 Repairs” project; and

WHEREAS, sealed competitive bids were received by the Authority on July 21, 2020, as more fully set forth as attached; and

WHEREAS, the lowest bid was received from Industrial Furnace Company, Inc., but said bid is nonresponsive because it does not contain a valid Certificate of Surety signed by the attorney-in-fact or other person having authority to execute the Certificate of Authority on behalf of the surety, which defect is material and cannot be waived by the Authority; and

WHEREAS, the second lowest bid received from Albertus Energy, Inc. in the amount of \$108,738.00. has been reviewed by the Authority and counsel and has been determined to be in compliance with the bid specifications and in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the CFO has certified funds are available in the 2020 Budget Outside Repair Service line account 5000-4510.

NOW, THEREFORE, BE IT RESOLVED by the Stony Brook Regional Sewerage Authority that it hereby rejects the bid submission of Industrial Furnace Company, Inc. pursuant to N.J.S.A. 40A: 11-23.2.for failure to include a validly executed certificate from a surety company as required by N.J.S.A. 40A:11-22; and

BE IT FURTHER RESOLVED that the Authority waives all immaterial defects in the bid of Albertus Energy, Inc., if any, and awards the contract to Albertus Energy, Inc. as the lowest responsible bidder; for River Road STP Multiple Hearth Incinerator #2 Repairs” project in the amount of \$108,738.00; and

BE IT FUTHER RESOLVED that the Executive Director, staff and consultants are authorized to take all appropriate measures to ensure that all appropriate documents, are provided by the Contractor.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X
Pamela Switlik	X			
Miguel Vilaro-Munet	X			

Mr. Doelling reported on July 23, 2020, the bids for Improvements to Modified Aeration Clarifier No. 2 were opened and read aloud. Seven (7) bids were received. The bid tabulation sheet was provided in the report. The low bidder is JP Smith Contractors, Inc. of Glenside, Pennsylvania with a price of \$164,430. The JP Smith bid has been reviewed by the Authority staff and discussed with Counsel and has been determined to be in compliance with the bid specifications and in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq. Several references provided by JP Smith were contacted, and all references provided positive comments regarding the bidder’s performance. Staff recommended approval Resolution 2020-055, Authorizing the Award of Contract 20-3 River Road WWTP Modified Aeration Clarifier No. 2 Improvements Project to the low bidder JP Smith Contractors, Inc. in the amount of \$164,430.

Mr. Morehouse stated that resolution 2020-055 was discussed during the Construction Committee meeting. Resolution 2020-055 was moved by Mr. Morehouse, seconded by Mr. Vilaro-Munet and passed by a roll call vote of 5 to 0. Resolution 2020-055 follows.

**Resolution Authorizing the Award of Contract 20-3
River Road WWTP Modified Aeration Clarifier No. 2 Improvements Project**

Resolution No. 2020-055

WHEREAS, the Stony Brook Regional Sewerage Authority (Authority) advertised for the receipt of sealed competitive bids in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. for Contract 20-3, the “Road WWTP Modified Aeration Clarifier No. 2 Improvements” Project; and

WHEREAS, sealed competitive bids were received by the Authority on July 23, 2020, as more fully set forth as attached; and

WHEREAS, the bid of JP Smith Contractors Inc. is the lowest bid in the amount of \$164,430; and

WHEREAS, the bid received from JP Smith Contractors Inc. has been reviewed by the Authority and its counsel and has been determined to be in compliance with the bid specifications and in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et seq.; and

WHEREAS the Stony Brook Regional Sewerage Authority has funds available in unrestricted fund balance.

NOW, THEREFORE, BE IT RESOLVED by the Stony Brook Regional Sewerage Authority that it hereby waives all immaterial defects in the bid of JP Smith Contractors, Inc., if any, and awards the contract to JP Smith Contractors Inc., the lowest responsible bidder; for Contract 20-3, Road WWTP Modified Aeration Clarifier No. 2 Improvements project in the amount of \$164,430; and

BE IT FUTHER RESOLVED that the Executive Director, staff and consultants are authorized to take all appropriate measures to ensure that all appropriate documents, are provided by the Contractor.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X
Pamela Switlik	X			
Miguel Vilaro-Munet	X			

Mr. Doelling reported that staff continues with the calibration checks on the two (2) River Road influent flow meters to establish historical accuracy for each meter. The comparison summary of the sum of our billing meters verses the River Road influent meters was provided to the Board via email. Staff is currently seeing a 10% difference between the influent meters and the sum of the billing meters.

Mr. Doelling reported that the low-range influent meter was replaced and the meter that was removed will be sent back to the vendor to be evaluated.

There were no other Board member comments on the Construction Report. The following Construction Report is included in the meeting minutes for information.

Studies/General

Hopewell Facilities Process Evaluation/Planning Study: There has been no change to the status of this project.

River Road WWTP Phosphorous Impact Modeling Study: There has been no additional action from NJDEP on the study and it is still under their review.

NJPDES Permits: On July 10, 2020, staff received a “major permit modification” to the draft Discharge to Surface Water Renewal Permit for the Hopewell WWTP from the NJDEP Bureau of Surface Water Permitting.

Sludge Business Analysis: Staff has scheduled a teleconference with Material Matters on August 4, 2020 to discuss the evaluation criteria of potential alternate sludge management options. This discussion will incorporate several the non-economic factors that are important to SBRSA.

2020 Annual Inspection: Staff accompanied Kleinfelder during the inspection on July 15 and 16, 2020.

Design

River Road Sludge Storage Hopper Feed Screw Replacement Project: GHD continues its work toward developing a suitable surface preparation procedure and coating system for both the inside and outside of the sludge cake storage hopper. Because of the tight space and restricted access, a painting consultant was brought in on July 13, 2020 to evaluate the storage hopper.

Small Capital Projects

Contract 20-1: Inspection and Cleaning of the Millstone and Stony Brook Interceptors: Inspection of the interceptors is complete. The final payment application (with the exception of retainage) has been submitted for payment at the July 2020 Authority Board meeting.

Process Control/SCADA

The monthly meter verifications were performed by SBRSA on July 1 and 2, 2020. Preventative maintenance was completed for all field devices and process control loops.

Miscellaneous Repair:

Instrumentation staff completed the following list of unscheduled repairs during the previous reporting period.

- River Road WWTP:
 - Replaced the differential pressure transmitter on the liquid sludge odor control scrubber CD-401 after it had faulted due to age and corrosion.
 - Installed a new pressure transmitter for the Regenerative Thermal Oxidizer forced draft fan after the old one failed to hold a calibration.

- The Dissolved Oxygen probe on Modified Aeration tank 1, stage 3, failed due to water ingress and was replaced with a newer model.
 - The sodium hypochlorite pump for odor control scrubber CD-400 failed and was replaced.
 - Adjusted signal output for all sludge wasting and return pump variable frequency drives (VFDs) to properly display drive speeds on the SCADA.
 - Replaced thermocouples for RTO sections 9 and 11.
 - Broken controls were replaced for the disinfection sodium hypochlorite pump.
 - Analog differential pressure gauges were installed on odor control scrubbers CD400 and CD401 as a backup to the electronic transmitters.
 - Two methane gas meters were installed in the headworks building.
 - The level meter for the grit chamber at the headworks was cleaned and repositioned after it had filled with water during heavy rainfall.
- Pennington WWTP:
 - Removed the new ultrasonic flow meter from the post-aeration tank and replaced with a lower profile ultrasonic meter to allow the tank to be covered.
 - Installed VFDs for the wash water pumps so they can be run at a lower speed to prevent the post-aeration tank from being emptied during low flows.

Information Technology

General

During the reporting period, several network appliances received feature updates in addition to their regular security updates. The SBRSA network file storage server, our new virtualization environment, and the KACE appliances that provide IT asset management and patching were all updated.

RRWWTP Operation Building Structured Cabling Project:

The structured cabling project remains at 84% complete; no payment applications were submitted. Over the past reporting period TeleQuest has installed the final fiber run, installed pull strings into conduits, corrected junction boxes in specific areas to be weatherproof, and filled the trench that was provided for a new fiber installation to the Engineering Trailer. A punch list of remaining, deficient, items is being provided to the contractor for completion. Staff anticipates being able to report the completion the project at next month's Board meeting.

Miscellaneous:

On July 19, IT was informed of a loss of network connection in the CEMS room. Access to the video surveillance was lost; however, SCADA systems were unaffected. During troubleshooting a failed switch was found to be the cause of issues and was replaced later that day.

583.12 Finance

Payment of Bills and Claims

Mr. Goldfarb moved for approval of Resolution 2020-049 for the payment of bills and claims in the amount of \$1,518,326.19 with two signatures instead of three. The motion was seconded by Mr. Morehouse and passed by a roll call vote of 5 to 0. Resolution 2020-049 follows.

Resolution Regarding Payment of Bills and Claims

Resolution No. 2020-049

WHEREAS, the Stony Brook Regional Sewerage Authority received certain claims against it by way of voucher; and

WHEREAS, the staff and Authority members have reviewed said claims.

NOW, THEREFORE, BE IT RESOLVED by Stony Brook Regional Sewerage Authority that these claims in the total amount of \$1,518,326.19 be approved for payment with checks bearing two authorized signatures instead of three authorized signatures.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X
Pamela Switlik	X			
Miguel Vilaro-Munet	X			

Treasurer’s Report

Mr. Sears reported net income for the seven-months of 2020 fiscal year, ending June 30, 2020, was \$555,376. The Authority has total cash and investments of \$14,434,820. The current construction projects balance is \$2,661,295. There are sufficient funds for these projects. The outstanding bond principal balance is \$19,757,864.

Monthly Sludge Business Analysis

Mr. Sears reported the net income figure for the month of June is \$154,618 and the cumulative net income is \$857,441.

Mr. Sears recommended approval of Resolution 2020-048, Authorizing the Award of a “No Political Contributions Allowed” Contract(s) for Non-Professional Service Vendors. Resolution 2020-048 was moved by Mr. Goldfarb, seconded by Ms. Switlik and passed by a roll call vote of 5 to 0. Resolution 2020-048 follows.

Resolution Authorizing the Award of a “No Political Contributions Allowed” Contract(s) for Non-Professional Service Vendors

Resolution No. 2020-048

WHEREAS, the Stony Brook Regional Sewerage Authority has a need to acquire goods or services as a no political contribution allowed contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

WHEREAS, the purchasing agent has determined and certified in writing that the value of each contract (by purchase orders) will likely exceed \$17,500; and,

WHEREAS, the term of this contract is 12 months. Commencing on July 1, 2020 and ending June 30, 2021 and may be extended as approved by this governing body; and,

WHEREAS, the attached list of vendors has completed and submitted a Business Entity Disclosure Certification which certifies that each vendor has not made any reportable contributions to a political or candidate committee served by the Stony Brook Regional Sewerage Authority in the previous one year, and that the contract will prohibit the (attached list of vendors) from making any reportable contributions through the term of the contract; and,

WHEREAS, the Authority has Funds available in its current budget.

NOW THEREFORE, BE IT RESOLVED that the Stony Brook Regional Sewerage Authority authorizes the attached list of vendors to enter into contracts by purchase order; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X
Pamela Switlik	X			
Miguel Vilaro-Munet	X			

Year 2020 No Political Contribution Allowed Contracts:	
Company Name	Service
PDM Group	HVAC
Shafts & Sleeves Co. Inc.	Fabrication Service
Industrial Furnace Co. Inc.	Incinerator Teeth
Industrial Controls Distributors, LLC	Controls/Meters

Mr. Sears recommended approval of Resolution 2020-050, Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40-A:11-12a. The listed vendor, CDW Government will provide network equipment for the cabling project.

Resolution 2020-050 was moved by Mr. Goldfarb, seconded by Mr. Morehouse and passed by a roll call vote of 5 to 0. Resolution 2020-050 follows.

**Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units
Pursuant to N.J.S.A. 40a:11-12a**

Resolution No. 2020-050

WHEREAS, the Stony Brook Regional Sewerage Authority, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Stony Brook Regional Sewerage Authority has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Stony Brook Regional Sewerage Authority intends to enter into contracts with the provided state contract vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED, that the Stony Brook Regional Sewerage Authority authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the provided list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED, that the governing body of the Stony Brook Regional Sewerage Authority pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

BE IT FURTHER RESOLVED, that the duration of the contracts between the Stony Brook Regional Sewerage Authority and state contract vendors shall be from December 1, 2019 to November 30, 2020.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X
Pamela Switlik	X			
Miguel Vilaro-Munet	X			

State Contract Vendor

Commodity/Service	Vendor	State Contract #
Network Equipment	CDW Government	87720

Mr. Sears recommended approval of Resolution 2020-052, Authorizing the Re-Bid for the Supply of Schwing Pump Parts, as no bids were received. Resolution 2020-052 was moved by Mr. Goldfarb, seconded by Ms. Switlik and passed by a roll call vote of 5 to 0. Resolution 2020-052 follows.

Resolution Authorizing the Re-Bid for the Supply of Schwing Pump Parts

Resolution No. 2020-052

WHEREAS, the Local Public Contracts Law N.J.S.A. 40:11-1 et. seq. requires that all public purchasing in excess of \$ 44,000.00 must be publicly advertised and bids awarded; and

WHEREAS, on July 3, 2020, the Stony Brook Regional Sewerage Authority (the “Authority”) published a Public Notice to Bidders seeking sealed competitive bids for the Supply Schwing Pump Parts procurement, which established July 15, 2020 at 11:00 am as the bid opening date and time; and

WHEREAS, on July 15, 2020 at 11:00 am no bids were received; and

NOW, THEREFORE, BE IT RESOLVED by the Stony Brook Regional Sewerage Authority as follows:

- (1) The Executive Director is authorized to re-advertise for sealed competitive bids for the Supply Schwing Pump Parts procurement.
- (2) The Executive Director, staff and consultants are authorized to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
- (3) This Resolution shall take effect immediately.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X
Pamela Switlik	X			
Miguel Vilaro-Munet	X			

Mr. Goldfarb reported that the Finance Committee and staff met via teleconference with Mr. Butvilla from our accounting firm, Suplee, Clooney and Company to review the November 30, 2019 audit findings.

Mr. Goldfarb stated that he asked Mr. Butvilla if there were any recommendations that were not reportable. Mr. Butvilla indicated that he had no recommendations.

Mr. Goldfarb stated the Board members should feel confident that the financial information provided is correct.

There were no additional comments from the Board members regarding the audit findings.

Resolution 2020-052 was moved by Mr. Goldfarb, seconded by Mr. Morehouse and passed by a roll call vote of 5 to 0. Resolution 2020-051 follows.

RESOLUTION CERTIFYING MEMBER REVIEW OF THE 2019 AUDIT

Resolution No. 2020-051

WHEREAS, N.J.S.A. 40A:5A-15 requires the governing body of each local authority to cause an annual audit of its accounts to be made, and

WHEREAS, the annual report for the fiscal year ended November 30, 2019 has been completed and will be filed with the State of New Jersey, Division of Local Government Services, Department of Community Affairs, Bureau of Authority Regulation, Local Finance Board pursuant to N.J.S.A. 40A:5A-15, and

WHEREAS, N.J.S.A. 40A:5A-17 requires that the governing body of each authority, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled “General Comments” and “Recommendations” and has evidenced same by group affidavit in the form prescribed by the Local Finance Board in accordance with N.J.S.A. 40A:5A-17.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Stony Brook Regional Sewerage Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended November 30, 2019, and specifically has reviewed the sections of the audit report entitled “General Comments” and “Recommendations” and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED that the Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this Resolution.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X
Pamela Switlik	X			
Miguel Vilaro-Munet	X			

583.13 Personnel Report

Ms. Pchola reported that Mr. Bixby retired on June 30, 2020 and staff hired an Operator for the Operator VI position who started of June 22, 2020.

583.14 Correspondence

None.

583.15 Old Business

There was nothing to report.

583.16 New Business

There was nothing to report.

583.17 Open to the Public

Chairman Downey opened the public portion of the meeting. As there was no one from the public present or on the teleconference, the public portion of the meeting was closed.

583.18 Executive Session

The Board entered into Executive at 7:36 p.m. on a motion by Mr. Morehouse, seconded by Mr. Vilaro-Munet and passed by a roll call vote of 5 to 0. Resolution 2020-053 follows.

**Resolution Authorizing Closed Session
Pursuant to the Open Public Meetings Law**

Resolution No. 2020-053

BE IT RESOLVED by the Stony Brook Regional Sewerage Authority (“Authority”) on this 27th day of July 2020, as follows:

1. The Authority shall adjourn to executive session in accordance with N.J.S.A. 10:4-12(b)(7), being the Open Public Meetings Law, in order to discuss the following:

- The Construction and General Labors’ Union, Local 172 of South Jersey Memorandum of Agreement.
- Anticipated litigation relevant to issues involving the EPA Term Sheet.
- Anticipated litigation relevant to issues involving the draft NJPDES permits for the Hopewell and Pennington STPs.

2. The minutes of the executive session will be released to the public in the event of successful negotiations or, in the event of litigation, the minutes shall be available to the public upon: the issuance of an unappealable Order of a Court of competent jurisdiction; upon settlement of all issues in the matter; or the failure to institute litigation after the passage of reasonable time.

3. This Resolution shall take effect as provided by law.

Certified to be a true copy of a Resolution enacted at a duly convened public meeting of the Stony Brook Regional Sewerage Authority on July 27, 2020.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X
Pamela Switlik	X			
Miguel Vilaro-Munet	X			

583.19 Report of Executive Session

A discussion took place regarding the Construction and General Labors’ Union, Local 172 of South Jersey Memorandum of Agreement, the anticipated litigation relevant to issues involving the EPA Term Sheet, and the anticipated litigation relevant to issues involving the draft NJPDES permits for the Hopewell and Pennington STPs.

Return to Public Session

The Board returned to Public Session at 8:34 p.m. on a motion by Mr. Goldfarb seconded by Mr. Morehouse and passed by unanimous vote.

583.20 And such other issues as may come before the Board

The Board has agreed to conduct the August Board Meeting via teleconference.

583.21 Adjournment

As there was no further business to come before the Board, the meeting was adjourned at 8:37 p.m. on a motion by Mr. Morehouse, seconded by Mr. Vilaro-Munet and passed by unanimous vote.

Respectfully Submitted,

Antonia Pchola
Secretary

Recorded and Written by
Angela Christiano
August 6, 2020