

APPROVED

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING MINUTES

APRIL 17, 2014

365 Old York Road, Flemington, New Jersey
(908) 782-7453 Office (908) 782-7466 Fax

1. **MEETING CALLED TO ORDER AT 5:00 PM**

The meeting of the Raritan Township Municipal Utilities Authority (RTMUA) was called to order stating that the meeting had been advertised in accordance with the Open Public Meetings Act setting forth the time with the RTMUA office as the place of said meeting. It was further stated that a copy of the Agenda was posted on the RTMUA office bulletin board.

2. **ATTENDANCE ROLL CALL:**

Chair Del Vecchio	Here
Dr. Dougherty	Absent
Mr. Kendzulak, Jr.	Here
Mr. Kinsella	Here
Mr. Tully	Here

Also present were Bruce Miller, RTMUA Executive Director; Greg LaFerla, RTMUA Chief Operator; Regina Nicaretta, RTMUA Executive Secretary; Nancy Wohlleb, PE, Hatch Mott MacDonald; C. Gregory Watts, Esquire, Watts, Tice & Skowronek.

3. **PLEDGE OF ALLEGIANCE**

4. **APPLICATIONS:**

None

5. **RESOLUTIONS:**

Resolution #2014 - 22 Appointment of Risk Management Consultant

Mr. Kendzulak, Jr. made a motion to approve Resolution #2014 - 22, Mr. Tully seconded the motion. All were in favor.

6. **Approval of Minutes:** Minutes of March 20, 2014

Mr. Kinsella made a motion to approve the minutes from the March 20, 2014 meeting. Mr. Tully seconded the motion. All were in favor. Mr. Kendzulak, Jr. abstained.

7. **Treasurer's Report / Payment of Bills:**

Mr. Kendzulak, Jr. - The bills totaled \$412,045.03. The percent used is 40.57; if you do the math, we're probably a little better than four months or a third of the way through. We're a little bit over budget but I did speak with Mrs. Struening with regards to this; there are some things, as the Audit is done, some of the accounts will be reconciled and backed out of this here so for the most part, we are right on budget and where we should be.

Mr. Kinsella - Would it be possible for us to have another sheet to see what amount of percentage of budget was spent this year as opposed to last year?

Mr. Kendzulak, Jr. - Mr. Miller, if you could let Mrs. Struening know. The other thing is we had to tap into our CD for \$200,000.00; I asked Mrs. Struening in regards to the rest of the year and cash flow, did she see anything over the rest of the year here, barring any unforeseen things that might come up and her opinion is we should be okay as long as we don't have any huge unforeseen things come up. With this budget, we knew we'd be getting into that CD to some degree.

Mr. Tully made a motion to approve the payment of bills. Mr. Kinsella seconded the motion.

Roll call vote:

Chair Del Vecchio	-	Yes
Dr. Dougherty	-	Absent
Mr. Kendzulak, Jr.	-	Yes, with the exception of check #104852; the American Express check, that's a no for me on that particular check
Mr. Kinsella	-	Yes
Mr. Tully	-	Yes

8. **Citizens' Privilege:**

None

9. **Adjourn into Closed Session by Motion, if Needed**

10. **Adjournment of Regular Meeting:**

Mr. Kendzulak, Jr. made a motion to adjourn the Regular Meeting. Mr. Tully seconded the motion. All were in favor.

RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
WORK SESSION MINUTES

APRIL 17, 2014

365 Old York Road, Flemington, New Jersey
(908) 782-7453 Office

(908) 782-7466 Fax

APPROVED

1. **The Work Session** of the Raritan Township Municipal Utilities Authority will be called to order upon the adjournment of the Regular Meeting.
2. **Correspondence:**
 - a) Mr. Bruce Miller of RTMUA to Mr. George Dilts of Dilts & Koester regarding Flemington Industrial Park Block 27 Lot 34 (in addition, correspondence dated October 18, 2011 from Mr. Glenn Bodnar to Mr. Bruce Miller regarding Summit Custom Spray Drying)

Mr. Miller – That's what we had our meeting on earlier, what to do about Flemington Industrial Park, Mr. LaFerla is getting technicolor effluent and we have a plan. Would you like to explain the plan, Mr. Watts?

Mr. Watts – Basically, what we are going to do is draft a letter to the enforcement arm of DEP to explain to them the steps we've taken to get information about what's going on there, which has really been ignored. We are also going to get the name and address of the owner from the Tax Assessor's office and send a letter to the owner, showing the letter that we had requested information from and sent to the tenant's attorney which had been ignored and remind him that as the owner, he is responsible for any problems and any fines will become liens against the property that he owns.

Mr. Kendzulak, Jr. – The old Tenneco place? What are they putting in there that you are finding?

Mr. LaFerla – Yes but its Summit Custom Spray Drying; we get different colors coming and I don't really know what they do to tell you the truth.

Mr. Kendzulak, Jr. – That's what alerted you, you saw color?

Mr. LaFerla – We've been finding color on and off for the past couple of years, never found from where, the guys would go out looking and we couldn't find it. Then a few months ago, we finally caught them, and I went over and asked them to show me their effluent and they have a big tank and a pipe that comes down the wall and its cut off right above the drain and as soon as they opened it you could see the color. We've caught them two or three times since then.

Mr. Kendzulak, Jr. – It's showing up here?

Mr. LaFerla – Yes, I came in one day and when I do drive by, I look at the effluent and it was green. We went right over there and there it was.

Mr. Kendzulak, Jr. – Environmentally, is it disrupting the biological process here?

Mrs. Wohlleb – It doesn't seem to disrupt the plant; you do have limits on, in this case dissolved solids, if you have a color, or one time there was kind of a milky discharge that came in. The best we know is whatever this Custom Spray Drying does they are involved in contracts with pharmaceutical industry, food colorings but for all we know, they could be doing large amounts of batch processing, be dormant, come back on line and depending who they are working for that day, if somebody has a red pill we get the red color that day, if it's a purple pill, we get the purple color that day. Really what it is, you have a dissolved solid situation, it gets through treatment and the river could be purple or green at the discharge point.

Mr. Kendzulak, Jr. – Has this color found its way all the way down to the river?

Mr. LaFerla – Yes, once it made it all the way to the river; if someone is out in the middle of the river fishing, they will see it.

Mr. Del Vecchio – They may be required to pretreat. When you say you see it, you see it here; do you check the manhole outside their area?

Mr. LaFerla – Yes, that's how we finally caught them; we saw it in their manhole and we went over to the polymer place, Summit Polymers, because we thought it was from there and it wasn't and they gave me a tour and they asked me if we had ever checked the Summit Spray Drying and I asked what's that and he told me where to go; I rang their bell and they let us in and that was the first time that we found it.

Mr. Kinsella – Is this facility part of the bigger operation or is it a separate entity to itself?

Mr. Watts – We think a separate entity.

Mrs. Wohlleb – If you look at the letter, that's part of the issue; we need a building inventory, who is what, how many employees, what's going on there; we don't have any of this information.

Mr. Kinsella – Do we have samples of this stuff?

Mr. LaFerla – We sample it here but it's diluted by the time it gets here.

Mr. Kinsella – We haven't sampled it from there?

Mr. LaFerla – That's what brought this up at last month's meeting, there's no place to sample, there's no sampling point there, no meter to even know how much flow they are sending us. We don't know what's in it.

Mr. Del Vecchio – Its spray drying so it's probably a lot of dry pigment, probably food grade pigment that drops out in the washing.

Mr. Watts – We also don't think we are billing them enough or correctly, we have a feeling that they are sending us substantially more than they are getting billed for.

Mr. LaFerla – According to the one letter they are sending us 25,000 gallons per day and they only have 45 EDUs for the whole place, right Mr. Miller?

Mr. Miller – The problem is there are two multiple functions on one block and lot. The old Tenneco in the back I think EPEC Polymers owns it? They are still paying us for the six wells they pump.

Mr. LaFerla – But for those two other buildings, they probably only have 45 EDUs between them and they may be sending us at least three times that according to the letter.

Mr. Miller – That's a 2011 letter.

Mr. LaFerla – Yes, so we don't know but at that time they were going to be sending us three times what they have.

Mr. Watts – The letter we sent to their attorney sought all that information so we can bill them properly.

Mr. Del Vecchio – When we first looked at it we may have looked at it as warehousing or light manufacturing and using the DEP numbers it would have been smaller.

Mrs. Wohlleb – That's the thing though, they are a tenant so they never came to us as an application, they're not a Class III customer, they are apparently some kind of minimum bill customer; so you have a situation here, where again, obtaining this information is key. They may have a high variability of flow; and most likely should be metered and you have to locate a metering point. It also gets into if they are sending that much more substantial amount of flow; certainly, when you send more than 8,000 gallons per day, you are modifying an existing lateral and if that's the case, they should have applied for a TWA.

Mr. Del Vecchio – Johanna Foods and Lipton have metering chambers, this place is too small for a metering chamber.

Mr. Kinsella – From a public relations stand point, I'm concerned about the noticeable color, suppose someone saw that and they contact somebody, what do we say; what happens?

Mr. LaFerla – Right outside by the outfall is a sign with the DEP Hotline so if someone saw it they can call the DEP.

Mr. Watts – That's why we are taking the steps we are taking because we would then have to report an upset; it's nothing we are doing internally, it's something that's coming to us from the outside. If we know

it's been going on for a couple years and have taken no steps to address it; DEP doesn't look at it very nicely, so that's why we are doing what we are doing.

- b) Mrs. Nancy Wohlleb of HMM to Mr. Bruce Miller of RTMUA regarding Woodside Farms Pump Station Rehabilitation Financing and Bidding (email)

Mrs. Wohlleb – I had sent Mr. Miller an email a couple of weeks ago regarding the two projects that we had applied to the New Jersey Environmental Infrastructure Trust (NJEIT) last year and we did not go bid at the end of last year. Now that we're into April we are ready to do so for both projects and to obtain what's called the authorization to advertise from the State. I wanted to bring that specifically to the Authority's attention to see what you want to do at this point. The Trust has a traditional loan path where you advertise bids at a certain time of the year to line things up in terms of escrow and loan closings so you can withdraw funds on a predetermined schedule from the State. If the Authority felt for these two projects, the MCC and the Woodside Farms Pump Station, that they didn't want to wait until this fall to bid the projects and wanted to advance bidding the projects within the next month or so the Trust has an interim financing option and I just wanted to hear what the Board thought of going out to bid now versus waiting for the traditional loan path. Mr. Miller spoke with Mr. Langhart who is here to explain more of the nuts and bolts of what is interim financing versus regular financing.

Mr. Langhart – If the Board decides to go out to bid within the next few months I think we can probably count on getting money by August at the latest, the Trust is going to close their 2014 program next month. I can put in the papers for an interim loan and hopefully we would get the full amount at 0% financing at the beginning of May but practically speaking they would probably be tied up with closing their loans for this year through the end of May but then they can process our application, they say usually within forty-five days and after that you would get the money so we are looking somewhere around June or July. We'll have the money so if we go through the bidding process we can fund ourselves with that money; then next May, when we close on the permanent loan all they do is pay back this interim loan with those proceeds and we start our normal repayment schedule at the Trust rates at that time. There is really no cost to you except we do charge an additional fee; it's not a big fee. A lot of

Authority's do this just because it helps their timing, I know one of Mrs. Wohlleb's concerns is she doesn't want to be going out to bid at the same time everyone else is because it jacks up prices. This way we're kind of our own project on our own schedule and we get the benefit of savings there. If you want to move the project along, this is an ideal way to fund it and not have to wait until next year to do it.

Mr. Kendzulak, Jr. – It was my understanding that we were going to do this in 2014; how did we miss the 2014 program?

Mrs. Wohlleb – There were two issues, one for each project. With the pump station project one of the requirements for the State as small as the area was, you have to have easement or property ownership rights and we didn't have that. In the case of the MCC, if you recall there was a little bit of a late authorization for it, we could have probably shoved it out the door but I think we felt that the project for the MCC just needed the correct engineering so we didn't get that finished for bidding for November but we also in particular wanted to coordinate with the SCADA integrator and it took a little bit of time to get the information we needed from him. We now have that information so we should be good to go.

Mr. Kendzulak, Jr. – So if we went with the interim financing, what's the earliest we could bid the projects and have the money to award them?

Mr. Langhart – The earliest you're probably going to get the money is June or July.

Mr. Kendzulak, Jr. – If we went the conventional route, waiting for 2015, what would be the earliest we would get the money?

Mr. Langhart – We would get it around May 2015.

Mrs. Wohlleb – To put it in a bidding timeline, say we went out to bid in May, we heard bids in June then we typically take a two - step process, you would Work Session your bid results in June, in between the State is concurring with you that the bids are clean, you then have the authorization to have a resolution to award the project in July. If you are ready to get the funds in August, you're in a position to provide to the contractor that they are awarded the project and we will still be obtaining the initial paperwork and insurance and we may at that point just about be issuing a Notice to Proceed but most likely that would come in very early September. So the timing would be there; up to that point there isn't a contractor requesting a Payment Application.

Mr. Kendzulak, Jr. – You would have the money in place where you could award the contract? It would be there?

Mr. Langhart – Once you have authorization to award the contract they will provide project certification; the final step. It also puts us on the top of the priority list because now we are a holdover loan because they

promised us interim financing and we are now more interesting to them because they've already lent us the money and they want to make sure that they put us in the program so we can start to pay them back. This isn't uncommon and is actually becoming more common as people realize that they can get the money on more of a schedule of what they want. It's just a matter of qualifying for the interim financing and I don't think that's a problem.

Mr. Del Vecchio – So at this point are you looking for an answer from us to go ahead and do this?

Mrs. Wohlleb – Yes.

Mr. Del Vecchio – It sounds like a no brainer. So you are directed to go ahead and take the necessary steps.

Mrs. Wohlleb – Thank you.

3. **Unfinished Business:**

None

4. **New Business:**

None

5. **Professional Reports:**

a) Attorney - None

b) Engineer –

Mrs. Wohlleb – There's a little update for Mt. View @ Hunterdon, the punch list items have been completed, and if I'm correct Ms. Nicaretta, they've already come in to you with Connection Fees for Certificates of Compliance; so I think some of the models homes are looking to get Certificates of Occupancy. They are in pretty good shape. Just so you know, with these big projects, when all the house construction is done, before we release bonds, we make them TV and flush the lines again. A lot of times with house construction a lot of things end up in the sewer and since we don't police it every day. It's almost usually around the time that the roads get dedicated when we really say okay they are done. They are on their way.

6. **RTMUA Reports:**

- a) Administrative Report
- b) Operations Report
 - 1. Chief Operator's Report
 - i) Overtime Recap - ok
 - ii) Septage / Greywater Recap – ok

Mr. Del Vecchio – I sent an email to you and Mr. Miller; it's totally up to you, about shrubs at Dvoor Farm.

- 2. Laboratory Summary - ok
- 3. Maintenance Summary - ok
- 4. Readington Flows - ok

c) Commissioner's Comments:

Mr. Kinsella – By Sun Ridge Pump Station #2; Sun Ridge's lawn maintenance service parks their vehicles over there. Is that our property or Sun Ridge's property? They park in the driveway there; a good size storage trailer and at least two vehicles.

Mr. LaFerla – I'm not sure, I didn't realize anyone was doing that. If it's outside the fence, I don't think we own it. If you're talking about the old driveway, yes, it's ours.

Mr. Kinsella – Unless they are doing any of our landscaping and they have a deal with us I don't think they should park there.

Mr. Miller – I think they do; they maintain Sun Ridge Pump Station #2 area.

Mr. LaFerla – No, we don't have any kind of contract with them.

Mrs. Wohlleb – No, they don't; the only thing they ever did was, since they are the Association's contractor, they had put some plantings around Sun Ridge #1 & #2's fence for the Association.

Mr. Kinsella – I think it's kind of an abuse and probably a liability issue if it's our property. I think Mr. Miller should write a letter to the Homeowner's Association and tell them we've just become aware of this and ask them to park on the

Association's property or by their clubhouse and pool; they are staying in our driveway overnight and they shouldn't be.

7. **Discussion:**

a) 1st Quarter 2014 Capacity Evaluation

Mrs. Wohlleb – We had a wet quarter, precipitation was up compared to last year; if you look at last year's plant flow alone, for the twelve months of last year, you had about 2.68 MGD, last quarter you were as low as 2.38 and you came up to 3.26. So given that, it has made an impact and even though allocations continue to go down, it did reflect this quarter with all of your committed flow, you had a capacity deficit of about 150,000 gpd.

b) Change Order for Demolition Project

Mrs. Wohlleb – Not at this site but at FWWF, the contractor was doing the demolition of the old Operations Building and encountered a leak into the basement of the building from the adjacent below grade chamber. This chamber, prior to the demolition contract had no access to it so the only way you would discover water in that chamber was once you started to demolish it. It was an unforeseen condition and he encountered about 10,000 gallons of water so he needed to get a pump to dewater that and in addition there was a plug that was between the FWWF Operations Building basement and this chamber and the plug had deteriorated and started to leak so between pumping out the chamber and the basement, the contractor is asking for additional money for the pump equipment and the labor to do the pump out. He is asking for not quite \$1,000.00, actually \$997.70; we are recommending that the change be made to the contract, the details of this request are attached to the back of our letter.

Mr. Del Vecchio – Do you see any problems with what they are asking for?

Mrs. Wohlleb – No, it seems pretty reasonable and the inspector said they had made every effort to work efficiently and just get the work done and get back to doing the demolition work.

Mr. Del Vecchio – Okay so this will be a resolution at the next meeting.

c) Facilities Planning Report Proposal

Mrs. Wohlleb – A couple of months ago, we talked about doing a Facilities Planning Report and I spoke to Mr. Miller and did prepare a proposal with the idea that when we did the last Facilities Planning Report the focus was pump stations and some of the work that has gone on at the Main Treatment Plant. Since that time, it has been about ten years since the last report, and in anticipation of upcoming Capital planning, we've prepared a proposal to assist Mr. LaFerla, Mr. Schneider along with Mr. Miller to determine what some of the Capital planning costs might be in the five and then the ten year window for the Main Treatment Plant based on the age of the equipment and the age of the unit processes since the time of the last expansion which was 1989. The plant is at a point where any of the equipment that was around since the last expansion is twenty – five years old so you are reaching the end of useful equipment life. We would work with Mr. LaFerla to review the Main Treatment Plant, review each unit process; see how the process is performing, what are the equipment deficiencies and any other operational deficiency. We would also in general see how the Plant is doing in terms of discharge compliance and based on that, what Mr. LaFerla would like to prioritize in improvements. We would assist him in providing a cost estimate so he can get started on his budget and has some idea on what the improvements would cost. In addition, we would take a look at specifically Pump Station #2, after Woodside Farms that is your last pump station that really requires significant upgrade. In talking with Mr. LaFerla and Mr. Schneider, there may not be either a desire or need to do as an extensive of an upgrade as we have done with other pump stations but we will try to figure that out early on and then based on that see what improvements are to be made. In addition to that we will also focus on the collection system and we would again try to work with Mr. LaFerla on prioritizing the older parts of the collection system, any issues related with heavy grease or backups and also the force mains themselves; I know that's come up quite a bit, how to access force mains, and we would offer based on the information we know on the force mains some options for doing some sort of conditions assessment to see where the force mains may require replacement or some form of rehabilitation. The last thing on here is we would take a look at FWWF, but only on some of the things that have come out of the most recent Agreement which I think a desire to do some additional sampling and I think also improve the metering so we can make sure we are fully quantifying the flows that are at FWWF. Putting all of that together, we would prepare a report, we would prepare cost estimate

for each of these and present our findings to the Board for your comment and also for any additional changes or modifications you may want to make to the report.

Mr. Kendzulak, Jr. – The question I would have is, Mr. Miller, as far as money, are there sufficient funds to fund this report? What account would this come out of?

Mr. Miller – Yes, well it depends; I'll talk to Mr. Coe about it but I don't know what the last one cost.

Mr. Kendzulak, Jr. – I'm talking about in our budget for this report.

Mr. Miller – No, there isn't a specific line item for it but there is money in there; the Contingent Fund.

Mr. Kendzulak, Jr. – Well, the Contingent Fund right now is at 145%, its 45% overdrawn; and anyway there is only \$20,000.00 in the Contingency Fund.

Mr. Miller – We don't have it as a line item. No, we didn't budget for this.

Mr. Kendzulak, Jr. – In saying that, will we have money to pay for it?

Mr. Miller – How long would it take to do it?

Mrs. Wohlleb – 90 days.

Mr. Miller – Let me dig around and see if there is money; I know there is no specific line item.

Mr. Del Vecchio – Where the document benefits you is on budgeting. You're not going to change your Capital Plans for next year. There's nothing that's going to come out of this study that's going to affect the budget for next year.

Mr. Miller – Oh, are you referring to paying for the study itself?

Mr. Kendzulak, Jr. – Yes, that is what I'm referring to.

Mr. Del Vecchio – Again, the results of this study is not going to affect how you are going to make your Capital Budget for next year. Anything that is on here is going to be stuff for 2017, 2018, 2019. So it's not a matter of we need to do it starting this April. We can hold off on doing this until September or October time frame.

Mr. LaFerla – No.

Mr. Del Vecchio – Why?

Mr. LaFerla – The bills would get reversed back to this year's budget when they reconcile for the Audit.

Mr. Del Vecchio – The consequence of this report isn't going to help us at all with this year's Capital Budget, this is for future planning. It's not something that we need to do right now.

Mr. Kinsella – So it's not an assessment of current operation, it's a projected look at the future, assessing future needs.

Mrs. Wohlleb – This is looking at the next five to ten years as equipment and unit processes reach the end of their useful life; it's laying out a plan for the next five to ten years so that as Mr. LaFerla does the budget, he knows that based on HMM's and his assessment, he has to budget by 2016 for some of the engineering or the preliminary work so that by 2020 or 2021 when it's estimated that the end of the useful life has arrived, we're there. We can be on the project and anticipate what it will cost. It's not to predict additional flows or what happens if the plant expands; it is purely based on our 3.8 MGD plant moving in the next five to ten years.

Mr. Del Vecchio – The last one is old, it had all the pump stations on it, it had the sludge holding tank, most of what was in that report, that was reaching its end of useful life has been addressed. The only thing left is that one pump station that Mrs. Wohlleb just spoke about. Above and beyond that, everything has been addressed. Now its ten years later and now we need to look at the next ten years.

Mrs. Wohlleb – There may be other things, for example, Mr. LaFerla and the collection system guys take out a lot of grit. They may say they need to do something with grit removal and not just for the plant; we need some kind of setup so when we take out grit from the collection system it can go somewhere that it can be properly classified and removed and not upset the plant. It's also answering those kinds of questions; a lot of it is really our interface with Mr. LaFerla and Mr. Schneider.

Mr. Kendzulak, Jr. – I certainly agree that it is something that we need to do since we haven't done it in ten years, I just want to make sure from a budgeting standpoint that we have the money to pay for this report. Perhaps it is better to put off approving it until we have budgeted for it.

Mr. Del Vecchio – I agree with Mr. Kendzulak, Jr. on the aspect of the timing for paying for it. It's not an expense that was planned for in this year's budget. We don't have to have this report today because the result of this isn't going to affect anything today because it's a long term plan. We can defer it for now and push it into 2015 and budget it into the 2015 budget.

d) Proposal from Prodex

Mr. LaFerla – This is the meeting me and Mr. Coe and Mr. Miller had; at the last meeting Mr. Coe mentioned it to the Board about the peat moss guys. They came in, took a tour of the plant and this is their proposal for their pilot.

Mr. Del Vecchio – I don't mind doing pilots that are for free but one thing that bothers me a little bit about this is they want to do it to the main process. If they were doing it on the slipstream or on the side and it doesn't affect the process but they start throwing their stuff in the aeration basins, I don't think so.

Mr. LaFerla – I agree.

Mr. Del Vecchio – Also, there are 9,472 ways to enhance an aeration basin; what this is if you like to use it you have keep buying it from them and keep throwing it in there. You can do a lot of other things which are more capital intensive if you needed that. You don't need to enhance it. Where do you need to enhance it?

Mr. LaFerla – Nowhere, we are doing fine.

Mr. Del Vecchio – My personal opinion is I don't want people monkeying around with the main process flow. It's not something we need right now. Before we close for the evening, I did sign those letters for FWWF, basically we are issuing a letter to Senator Bateman on the permit for FWWF. Mr. Miller had sent me a draft and I had a discussion with Mr. Tyler and basically I had him modify the letter because it went into ad nauseum detail about the cost and I had him put in there that the plant only runs maybe ten days out of the year and you're going to spend all this money. If they are trying to apply conditions on us for a plant that would operate twenty four hours a day, seven days a week; that's fine but what they should do is allow us to account for all the days that the plant doesn't operate such that your thirty day average, if you only operate two days the other twenty eight days get averaged as zero. What they are interested in is the total mass load to the river and what's going in every month. We should be able to tell them the other twenty eight or twenty nine days we had zero. As I said to Mr. Tyler, I know his background I know he used to be down in the department but we need to find someone who can think somewhat out of the box down there.

Mr. Watts – The people we've met so far are totally in the box.

Mr. Del Vecchio – If we're going to go over a thirty day average, or whatever that's fine, but then we want to average it over the entire thirty days and we're going to get all the zeros in and we'll play it that way. If they say "this number here"; well what's that number based on, a

concentration? If that's normally supposed to be a seven day grab sample then we'll take grab samples when it's not raining and guess what, you are going to have six zeros and one. Well, average them out. If you don't want to think outside the box, then we'll give you the box to think in.

Mr. Kendzulak, Jr. – Did this go out yet?

Mr. Del Vecchio – No, I just signed it.

Mr. Kendzulak, Jr. – There's a typo and I think Mayor Erica Edward should be copied on it.

Mr. Watts – The people we've dealt with at DEP don't see outside the box. All they see is you don't fit into anything; you have to be a secondary treatment plant because that's all there is. We are saying "you permitted it, look at how many times you've permitted it, look how many times you've approved expending all this money to approve it and now all of a sudden you saying it doesn't fit into a box anymore." It's not right and that is the import of the letter.

Mr. Kendzulak, Jr. – Did they ever respond, going back to December, when we talked about this and all the documents that were submitted down there; cost impact analysis?

Mr. Watts – We complained because the cost analysis, they never responded to it. They just look at it and say we don't know how to deal with it.

Mr. Kendzulak, Jr. – As far as dialog since then...

Mr. Watts – They just haven't addressed it. We were at a meeting several months ago and they didn't address it. The conclusion is this is the only way to go because you will never get anywhere going through the permit people. Now the State politicians have to talk to the Commissioner directly. There are rules and we don't really fit in anywhere. We want them to look at the history to look at all the problems we've solved by building FWWF and now they want to spend \$33,000,000.00 more for something that runs a couple times a month. We are looking for a more permanent fix, not to just get us over this permit hurdle because we'll just be right back to it. The amount that this project would cause the rates to go up for the Flemington users' exceeds whatever limits the EPA sets.

Mrs. Wohlleb – They are EPA guidelines and they should be factored. At Federal level its usually given some credence but in this case there wasn't even a critique or a response that they even looked at it.

Mr. Kendzulak, Jr. – What are the actual parameters they are looking at?

Mrs. Wohlleb – There's four parameters, there's a dry cleaning fluid which is tetrachloroethylene, there's copper, there's a plasticizer (DEHP), the biological testing, the chronic toxicity. These are the four parameters.

Mr. Kendzulak, Jr. – We can't meet these parameters?

Mrs. Wohlleb – There's no way. You hear in other parts of the country, people have kind of, sort of wet weather facilities but we are unique because we have a remote wet weather facility but most very large sewer districts that have a wet weather facility have them adjacent to the main plant. We have a situation where we are three miles away. We can't save some return activated sludge (RAS), pump it 3.3 miles and get the Flemington Plant going with biological activity. We are not in that position unless you build a new plant at the Flemington site.

Mr. Del Vecchio – We'd have to build a second plant there and turn it back into the Flemington wastewater treatment site.

Mr. Watts – The copper is an issue in the area because they have to remediate copper at all the wells in Flemington. The DOT site, I think we've been able to show, has been sending contamination into the water that is showing up in the effluent and that's been on record for a long time and the State, the DEP have done nothing to the DOT to clean up whatever they've caused over there.

Mrs. Wohlleb – I think there is also an argument with the plasticizer that is showing up, we're trying to argue it's potentially a sampling issue from the plastic containers.

Mr. Kendzulak, Jr. – Can we get rid of the plastic container and sample with glass?

Mr. LaFerla – Yes, but the sample goes to the sampler where the sample hose is plastic, the sample jug is plastic and the hose in the sampler itself is plastic.

Mr. Del Vecchio – The comical part is if this wasn't in Flemington and we didn't have to run this, this water would probably go through some storm system and into the river anyway with the copper and all of the cleaning fluid anyhow and they wouldn't be able to do a thing about it. I don't expect any quick action because of these letters.

Mr. Watts – We do have the pending permit appeal before the Administrative Law Court and that's been pending for a long time now so they are getting a little tired so you may see action quicker than you think; hopefully it will be in the right direction.

8. **Adjourn into Closed Session by Motion, if Needed**
9. **Adjournment of Work Session:**

Mr. Kendzulak, Jr. made a motion to adjourn the Work Session. Mr. Kinsella seconded the motion. All were in favor. The Meeting ended at 6:27 pm.