

Mayor
Wayne F. Levante

Deputy Mayor
E. Kevin Elvidge

Council Members
Helen R. Le Frois
Daniel G. Flynn
Sandra Lee Diglio



Town Manager
Thomas S. Russo, Jr.

Town Clerk
Lorraine A. Read

Telephone: (973) 383-3521
Facsimile: (973) 383-8961
39 Trinity Street
Newton, NJ 07860

March 27, 2018

Re: Settlement Agreement
Morris Lake Wastewater Treatment Plant
Settlement Agreement
NJPDES No.: NJ0136603-DSW
Program Interest ID NO.: #53109

Donald Hirsch, Chief
Northern Bureau of Water Compliance & Enforcement
NJ Department of Environmental Protection
7 Ridgedale Avenue, Suite 202
Cedar Knolls, New Jersey 07927-1112

Dear Mr. Hirsch,

Enclosed you will find one original signed copy of the Settlement Agreement for the above referenced violation. I have retained an original for our records; along with a certified copy of Resolution #80-2018 that has been adopted by the Town of Newton's Governing Body authorizing the settlement agreement.

Once I receive the penalty invoice as stated in your letter of February 27, 2018, payment in the amount of \$1,000 will be sent under separate cover.

Thank you for your assistance in this matter.

Sincerely,

Thomas S. Russo, Jr.
Newton Town Manager

cc: Ursula Leo, Municipal Counsel



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PHIL MURPHY
Governor
SHEILA OLIVER
Lt. Governor

Northern Bureau of Water Compliance and Enforcement
7 Ridgedale Ave. Ste. 202
Cedar Knolls, New Jersey 07927-1112
Telephone (973) 656-4099 Fax (973) 656-4400

CATHERINE R. McCABE
Acting Commissioner

IN THE MATTER OF :
NEWTON TOWN – MORRIS LAKE : **SETTLEMENT AGREEMENT**
WATER TREATMENT PLANT :

NEA 170001 – 53109

This Settlement Agreement is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection ("Department") by N.J.S.A. 13:1D-1 et seq., the Water Pollution Control Act ("Act"), N.J.S.A. 58:10A-1 et seq., and the New Jersey Pollutant Discharge Elimination System regulations, N.J.A.C. 7:14A-1 et seq., and is duly delegated to the Bureau Chief of the Northern Bureau of Water Compliance and Enforcement pursuant to N.J.S.A. 13:1B-4.

WHEREAS Newton Town owns and operates the Morris Lake Water Treatment Plant located at Morris Lake Road, Sparta Township, Sussex County, New Jersey; and

WHEREAS the Department issued New Jersey Pollutant Discharge Elimination System ("NJPDES") Discharge to Surface Water Permit number NJ0136603 – DSW ("Permit") to Newton Town, for the discharge of filter backwash water to Morris Lake; and

WHEREAS the NJPDES Permit sets forth specific parameters to be monitored and reported to the Department on Discharge Monitoring Report ("DMR") forms and identifies discharge limitations for each parameter for each permitted outfall; and

WHEREAS Newton Town submitted DMRs to the Department which indicated that Newton Town had discharged pollutants in violation of the discharge limitation in their NJPDES Permit during the period from October 1, 2016 through October 31, 2016, as follows:

Monitoring Location: DSN001A

Parameter: Chronic Toxicity

Limit: 61% (minimum)

Reported Value: 26.6%

WHEREAS the Department has determined that Newton Town has violated the terms and conditions of its NJPDES Permit by violating an effluent limitation in its NJPDES Permit; and

WHEREAS the Department therefore alleges that Newton Town is liable for civil administrative penalties for the above referenced violation pursuant to N.J.S.A. 58:10A-10.1 and N.J.A.C. 7:14-8.1 et seq. The Department may compromise its claim for a maximum civil administrative penalty and settle this matter in accordance with N.J.A.C. 7:14-8.3; and

WHEREAS in the interest of resolving this matter, the Department and Newton Town agree to settle this matter in accordance with the following terms:

NOW, THEREFORE, IT IS HEREBY AGREED THAT:

1. Newton Town shall discharge only in conformity with its NJPDES Permit.
2. In full settlement of the aforementioned violation, Newton Town shall pay a penalty of \$1,000.00 by suitable financial instrument made payable to "Treasurer, State of New Jersey" and shall remit payment to the Division of Revenue at the address stated on a Department provided invoice within thirty (30) calendar days from the effective date of this Settlement Agreement. The invoice will be provided by the Department under separate cover once this Settlement Agreement is fully executed.
3. Neither the entry into this Settlement Agreement nor the payment of the settlement amount shall constitute an admission of liability by Newton Town for the violation listed herein.
4. In the event that Newton Town fails to submit full payment within thirty (30) calendar days of the effective date of this Settlement Agreement, then this offer shall be null and void, and the Department may pursue all legal remedies including the collection of civil administrative penalties in the full amount provided by law.
5. Notice is further given that this Settlement Agreement includes only the violation identified hereinabove and that the violations of any statutes, rules, permits or permit conditions other than those cited herein may be considered cause for additional enforcement actions, either administrative or judicial, being instituted without further notice.
6. Nothing in this Settlement Agreement shall preclude the Department from taking enforcement action against Newton Town for violations not set forth in this Settlement Agreement.

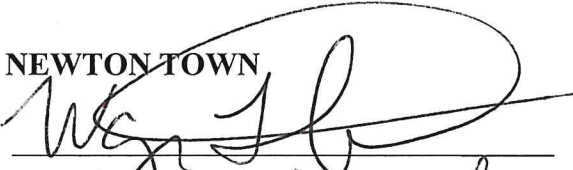
7. Nothing in this Settlement Agreement restricts the ability of the Department to raise the above findings in any other proceeding.
8. This Settlement Agreement shall be effective upon execution by both parties.

**DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

DATE: 2/27/2018

BY: 
Donald Hirsch, Chief
Northern Bureau of Water
Compliance and Enforcement

DATE: 3/26/18

BY: 
Print Name: Wayne Levante
Print Title: Mayor

By this signature, I certify that I have full authority to execute this document on behalf of Newton Town.



TOWN OF NEWTON

RESOLUTION #80-2018

March 26, 2018

"Resolution Authorizing the Execution of a Settlement Agreement and Release Regarding The Morris Lake Water Treatment Plant"

WHEREAS, the Town of Newton has been assessed a penalty for submission of a Discharge Monitoring Report for October 1, 2016 through October 31, 2016, which indicates a violation of discharge limits in the New Jersey Pollutant Discharge Elimination System ("NJPDDES") permit at the Morris Lake Water Treatment Plant for chronic toxicity; and

WHEREAS, the Town believes the testing results are an error based upon testing location, but does not have simultaneous acceptable test results available; and

WHEREAS, settlement of the violation presents an opportunity for the Town to resolve the violation and penalty issued by the New Jersey Department of Environmental Protection, which will result in significant cost savings and other benefits to the Town, will provide certainty regarding the outcome of claims asserted, and serves the interest of the public; and

WHEREAS, without admitting liability for the violation, the Town of Newton desires to settle the violation by making a payment of \$1,000.00, in full satisfaction of the claim, and execution of a Settlement Agreement;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton, County of Sussex, State of New Jersey as follows:

1. The Mayor and/or Town Manager are hereby authorized and directed to sign a Settlement Agreement on behalf of the Town, a copy of which is on file in the Municipal Clerk's Office.
2. The Mayor, Town Manager, Clerk, Town Attorney, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare, revise and execute any and all documents and undertake any and all acts necessary to effectuate the settlement.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, March 26, 2018.

Lorraine A. Read, RMC
Municipal Clerk



TOWN OF NEWTON

RESOLUTION #248-2017

December 11, 2017 "Designate Officials to Sign Checks"

BE IT RESOLVED by the Town Council of the Town of Newton that the Town Manager, the Town Treasurer and/or the Chief Financial Officer are hereby designated as officials authorized to sign all municipal checks, Water and Sewer Utility checks, and payroll checks during calendar year 2018.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, December 11, 2017.

Lorraine A. Read, RMC
Municipal Clerk