



PASSAIC VALLEY WATER COMMISSION

RESOLUTION #19-29

RESOLUTION OF PASSAIC VALLEY WATER COMMISSION

DATE OF ADOPTION: MAY 15, 2019

Factual Contents certified to by Louis Amodio, Administrative Secretary. Approved as to Form and Legality on basis of facts set forth by George T. Hanley, General Counsel. Entering Executive Closed Session in accordance with Open Public Meetings Act, R.S. 10:4-6 et seq. Pursuant to the Open Public Meetings Act,

COMMISSIONER: VAN RENSALIER offers the following Resolution for adoption:

WHEREAS, Section 8 of the Open Public Meetings Act, c. 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the public body is of the opinion that such circumstances presently exist:

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of Passaic Valley Water Commission:

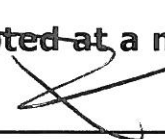
1. The public shall be excluded from discussion of the hereinafter-specified subject Matters; the general nature of the subject matters being; Financial, Insurance, Personnel, Contracts, Negotiations, Security, Law: other matters as may be discussed *in camera*.
2. It is anticipated at this time that the above-stated subject matters will be ratified During public meeting following or as soon thereafter as the reason for discussion no Longer exists.
3. This Resolution shall take effect immediately.

Second by COMMISSIONER: KOLODZIEJ Time:10:19 a.m.

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
FRIEND, G.	<u>X</u>	—	—	—
VANNOY, R.	—	—	—	<u>X</u>
LEVINE, J.	<u>X</u>	—	—	—
KOLODZIEJ, J.	<u>X</u>	—	—	—
VAN RANSALIER, R.	<u>X</u>	—	—	—
RODRIGUEZ, I.	—	—	—	<u>X</u>
SANCHEZ, R.	<u>X</u>	—	—	—

~~Adopted at a meeting of Passaic Valley Water Commission.~~



President



Secretary

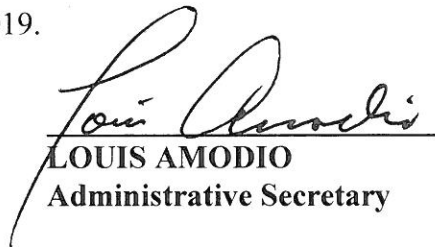
This Resolution, when adopted, must remain in the custody of the Administrative Secretary.



PASSAIC VALLEY WATER COMMISSION

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of a legal quorum of the Original Resolution duly passed and adopted by a majority of the full membership of the Passaic Valley Water Commission at its meeting of May 15, 2019.


LOUIS AMODIO
Administrative Secretary



PASSAIC VALLEY WATER COMMISSION

Resolution #19-30

RESOLUTION OF PASSAIC VALLEY WATER COMMISSION

DATE OF ADOPTION: May 15, 2019

TITLE: ANNUAL SUMMER HELP PROGRAM

ON MOTION OF COMMISSIONER LEVINE

SECOND BY COMMISSIONER VAN RENSALIER

WHEREAS, Passaic Valley Water Commission has determined that its annual summer help program is organizationally efficient, labor cost effective and beneficial to the communities it serves; and

WHEREAS, Passaic Valley Water Commission's summer help program is authorized to take place commencing from May 20, 2019 until September 1, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the following criteria and standards be adopted by the Commission in its summer help program, as follows:

1. All summer help must be full-time, matriculated secondary or higher education (or equivalent) student: Proof of school shall be submitted with application.
2. All summer help must be 17 (Graduating from High School) years of age and not over the age 25.
3. The commission shall pay a wage of \$12.00 per hour.
4. Each Commissioner and the Executive Director and the Business Administrator shall be entitled to select up to three (3) students for summer employment.
5. Summer students will be paid for the July 4th holiday only.
6. The resolution in existence on nepotism, dated 4/14/93, as stated, does not apply to summer student help.
7. Summer student work will be under the supervision of the Department Heads, working with the Personnel Director.
8. Department Heads will advise areas where work is needed and the Personnel Director will provide a job description of the position to be filled as well as age requirements for jobs.

BE IT FURTHER RESOLVED, the Commission shall comply with all Federal, State and Local rules and regulations regarding the employment of summer student employees.

BE IT FURTHER RESOLVED, a copy of this Resolution shall be placed on file and made available for public inspection at the office of the Administrative Secretary of Passaic Valley Water Commission.

BE IT FURTHER RESOLVED, that the policy hereby adopted shall be incorporated into and codified in the official personnel manual of the Passaic Valley Water Commission.



PASSAIC VALLEY WATER COMMISSION

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
FRIEND, G.	<u> X </u>	_____	_____	_____
VANNOY, R.	_____	_____	_____	<u> X </u>
LEVINE, J.	<u> X </u>	_____	_____	_____
KOLODZIEJ, J.	<u> X </u>	_____	_____	_____
VAN RENSALIER, R.	<u> X </u>	_____	_____	_____
RODRIGUEZ, I.	_____	_____	_____	<u> X </u>
SANCHEZ, R.	<u> X </u>	_____	_____	_____

Adopted at a meeting of Passaic Valley Water Commission.

**President
RIGO SANCHEZ**

**Secretary
ROBERT VANNOY**

This Resolution, when adopted, must remain in the custody of the Administrative Secretary.

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy thereof of the foregoing Resolution duly passed and adopted by a majority of a legal quorum of the full membership of the Passaic Valley Water Commission at its duly noticed and convened meeting of the said Commission on May 15, 2019.

**LOUIS AMODIO
Administrative Secretary**

RESOLUTION # 19-31
RESOLUTION OF PASSAIC VALLEY WATER COMMISSION
APPROVING THE THIRD AMENDED ACO FOR THE WATER
STORAGE IMPROVEMENT PROJECT-PHASE 1 & 2
DATE OF ADOPTION: MAY 15, 2019

Approved as to form and legality by Law Department on the basis of facts set forth by Executive Director, Purchasing, and Finance Departments.

Introduced by Commissioner: **KOLODZIEJ**

Seconded by Commissioner: **FRIEND**

WHEREAS, on January 24, 2019, Passaic Valley Water Commission ("PVWC") submitted a request to New Jersey Department of Environmental Protection ("NJDEP") for an extension of time to complete Contract 15-B-25 entitled "Water Storage Improvements Phase 1 Standby Emergency Generators" (the "Contract") invoking the force majeure provisions of the Second Amended Administrative Consent Order executed on July 23, 2015 (the "SAACO") between the NJDEP and PVWC; and

WHEREAS, although the Contract started construction in a timely manner, numerous problems have been encountered, and the Contract will not be completed in accordance with the schedule in the SAACO; and

WHEREAS, in response to PVWC's request for an extension of time to complete the Contract, NJDEP issued the Third Amended Administrative Consent Order dated April 29, 2019 (the "Third Amended ACO") to PVWC, and a copy of the Third Amended ACO is attached hereto and made a part hereof as Exhibit B referenced below; and

WHEREAS, in addition to updating the SAACO with regard to the status of the Water Storage Improvement Projects, the Third Amended ACO requires PVWC, among other things, to complete construction of the Contract 15-B-25 improvements, and have the said improvements operable, on or before PVWC completes construction of the Levine Reservoir project; and

WHEREAS, upon execution of the Third Amended ACO, NJDEP also requires that PVWC submit to NJDEP, in a timely manner, a mutually agreeable schedule for proposed improvements intended to bring PVWC into compliance with 40 CFR 141.714 and the Lead and Copper Rule, and PVWC hereby agrees to same; and

WHEREAS, a copy of a memorandum from the Executive Director and the Director of Engineering dated May 3, 2019 recommending approval of the Third Amended ACO is attached hereto and made a part hereof as Exhibit A; and

WHEREAS, the General Counsel has reviewed the Third Amended ACO (as to form and legality); and

WHEREAS, based on the Executive Director's and the Director of Engineering's memorandum referenced above, the Commission hereby approves and adopts the Third Amended ACO;

NOW, THEREFORE, BE IT RESOLVED, by Passaic Valley Water Commission, in the County of Passaic, New Jersey;

1. That PVWC hereby approves and accepts the Third Amended ACO, and the appropriate officers, employees and officials of PVWC, on behalf of PVWC, are hereby authorized and directed to perform such acts and execute such documents as are necessary to implement the terms and intentions of this Resolution, and
2. That this matter shall be advertised as required by New Jersey law, in accordance with an appropriate form of notice, and a copy of this Resolution and referenced attachments shall be placed on file and made available for inspection at the office of the Administrative Secretary of Passaic Valley Water Commission.

RECORD OF COMMISSION VOTE ON FINAL PASSAGE

	AYE	NAY	ABSTAIN	ABSENT
FRIEND, G.	<u>X</u>	—	—	—
VANNOY, R.	—	—	—	<u>X</u>
LEVINE, J.	<u>X</u>	—	—	—
KOLODZIEJ, J.	<u>X</u>	—	—	—
VAN RENSALIER, R.	<u>X</u>	—	—	—
RODRIGUEZ, I.	—	—	—	<u>X</u>
SANCHEZ, R.	<u>X</u>	—	—	—

Adopted at a meeting of Passaic Valley Water Commission.

**President
RIGO SANCHEZ**



**Secretary
ROBERT VANNOY**

This Resolution, when adopted, must remain in the custody of the Administrative Secretary.

CERTIFICATION

I, LOUIS AMODIO, Administrative Secretary of the Passaic Valley Water Commission in the County of Passaic, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy thereof of the foregoing Resolution duly passed and adopted by a majority of a legal quorum of the full membership of the Passaic Valley Water Commission at its duly noticed and convened meeting of the said Commission on May 15, 2019.



**LOUIS AMODIO
Administrative Secretary**

PASSAIC VALLEY WATER COMMISSION

**RESOLUTION OF PASSAIC VALLEY WATER COMMISSION
APPROVING THE THIRD AMENDED ACO FOR THE WATER
WATER STORAGE IMPROVEMENT PROJECT-PHASE 1 & 2**

**EXECUTIVE DIRECTOR AND DIRECTOR OF ENGINEERING'S
MEMORANDUM DATED MAY 3, 2019**

EXHIBIT A

**PASSAIC VALLEY WATER COMMISSION
INTEROFFICE MEMORANDUM**

Date: May 3, 2019

To: Hon. Commissioners

From: J. Bella & J. Duprey

cc: G. Hanley
L. Amodio

Re: Recommendation to approve the Third Amended ACO issued by NJDEP for Phase 1 and 2 of the Water Storage Improvement Project

Summary

It is recommended that PVWC approve the New Jersey Department of Environmental Protection (NJDEP)'s Third Amended Administrative Consent Order (the "Third Amended ACO") issued by NJDEP April 29, 2019 for Phase 1 & 2 of the Water Storage Improvement Project for reasons set forth below.

A copy of the Third Amended ACO with referenced attachments (previously distributed to the Commissioners) is attached to the herein PVWC resolution as Exhibit B.

Background

On January 24, 2019, Passaic Valley Water Commission ("PVWC") submitted a request to New Jersey Department of Environmental Protection ("NJDEP") for an extension of time to complete Contract 15-B-25 entitled "Water Storage Improvements Phase 1 Standby Emergency Generators" (the "Contract"), invoking the force majeure provisions of the Second Amended Administrative Consent Order executed on July 23, 2015 (the "SAACO") between the NJDEP and PVWC.

Although the Contract started construction in a timely manner, numerous problems have been encountered, and the Contract will not be completed in accordance with the schedule in the SAACO.

In response to PVWC's request for an extension of time to complete the Contract, NJDEP issued the Third Amended Administrative Consent Order dated April 29, 2019 (the "Third Amended ACO") to PVWC, and a copy of the Third Amended ACO package is attached hereto.

In addition to updating the SAACO with regard to the status of the Water Storage Improvement Projects, the Third Amended ACO requires PVWC, among other things, to complete construction of the Contract 15-B-25 improvements, and have the said improvements operable, on or before PVWC completes construction of the Levine Reservoir project.

Upon execution of the Third Amended ACO, NJDEP also requires that PVWC submit to NJDEP, in a timely manner, a mutually agreeable schedule for proposed improvements intended to bring PVWC into compliance with 40 CFR 141.714 and the Lead and Copper Rule, and PVWC has agreed to same.

Based on the above, and subject to review and approval by the Law Department, it is recommended that the Commission approve and enter into the Third Amended ACO with NJDEP and to submit to NJDEP the above-referenced schedule as set forth above.

PASSAIC VALLEY WATER COMMISSION

**RESOLUTION OF PASSAIC VALLEY WATER COMMISSION
APPROVING THE THIRD AMENDED ACO FOR THE WATER
WATER STORAGE IMPROVEMENT PROJECT-PHASE 1 & 2**

NJDEP'S THIRD AMENDED ACO DATED APRIL 29, 2019

EXHIBIT B



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
Commissioner

HAND DELIVERY
WITH ACKNOWLEDGEMENT
OF RECEIPT FORM

April 29, 2019

Joseph Bella, Executive Director
Passaic Valley Water Commission
1525 Main Ave.
Clifton, New Jersey 07011

Dear Mr. Bella:

Re: Administrative Consent Order
Passaic Valley Water Commission
EAID# NEA 190001 - 1605002

Enclosed is an Administrative Consent Order which was prepared by the New Jersey Department of Environmental Protection (Department) in order for the Passaic Valley Water Commission (Commission) to make improvements to its water system by eliminating, covering or treating the discharge from the Levine and New Street Reservoirs.

I have signed the enclosed copies. Both Administrative Consent Order originals should be executed by a duly authorized representative of the Commission and one signed original returned to the Northern Bureau of Water Compliance and Enforcement within thirty (30) days of your receipt of this letter. Written certification that the person signing the Administrative Consent Order is authorized to do so by the Commission must be submitted with the signed original.

If you should have any questions regarding this matter, please contact Lisa Tracy, of my staff, at (973) 656-4099 or by letter through this Bureau.

Very truly yours,

Donald Hirsch, Chief
Northern Bureau of Water
Compliance and Enforcement

Enclosure

c: George T. Hanley, Esq., Law Department, PVWC
Kevin Galland, Administrator/Clerk, Woodland Park Borough (by email)
Sonia Gordon, Clerk, Paterson City (by email)
Walter J. Davison, Acting Passaic County Clerk (by email)
Maria Mazziotti Gillan, Passaic County Cultural and Heritage Commission (by email)
Heather Garside, Passaic County Historical Society (by email)
Darryl Sparta, Director, Passaic County Department of Parks and Recreation (by email)
Stephen Ferreira, USEPA (by email)
Michael Lowy, USEPA Region II (by email)
Nicole Foley Kraft, USEPA Region II (by email)
Patricia Gardner, Director, Division of Water Supply and Geoscience (by email)
Richard T. Paull, Water and Land Use Compliance and Enforcement (by email)



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
Commissioner

IN THE MATTER OF : THIRD AMENDED
PASSAIC VALLEY WATER COMMISSION : ADMINISTRATIVE CONSENT ORDER

EA ID # NEA190001 - 1605002

This Third Amended Administrative Consent Order (Third Amended ACO) is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (Department or DEP) by N.J.S.A. 13:1D-1 et seq., and the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., and is duly delegated to the Chief of the Northern Bureau of Water Compliance and Enforcement pursuant to N.J.S.A. 13:1B-4.

FINDINGS

- 1. The Passaic Valley Water Commission (PVWC) owns and operates a public community water system (system), as defined by N.J.A.C. 7:10-1.3, Public Water System Identification No. 1605002, located in the Cities of Paterson, Passaic, and Clifton, and the Borough of Prospect Park, Passaic County, New Jersey.
2. The New Jersey Safe Drinking Water Act regulations, specifically N.J.A.C. 7:10-5.1, adopt in total, with specific limited exceptions, the most current National Primary Drinking Water Regulations at 40 CFR 141. Subpart W of the National Primary Drinking Water Regulations, Enhanced Treatment for Cryptosporidium, 40 CFR 141.714, requires that systems must meet the conditions of paragraph (c)(1) or (c)(2) of this section for each uncovered finished water storage facility or be in compliance with a State-approved schedule to meet these conditions no later than April 1, 2009. CFR 141.714(c)(1) requires that systems must cover any uncovered finished water storage facility. 40 CFR 141.714(c)(2) requires that systems must treat the discharge from the uncovered finished water storage facility to the distribution system to achieve inactivation and/or removal of at least 4-log virus, 3-log Giardia lamblia, and 2-log Cryptosporidium using a protocol approved by the State, such as a combination of ultraviolet disinfection and chlorination.
3. PVWC owns and operates three (3) uncovered finished water storage facilities within its system.

4. PVWC could not meet the requirements of 40 CFR 141.714 (c)(1) and (c)(2) on or before April 1, 2009, and executed an Administrative Consent Order (ACO) with the Department on March 30, 2009, in order to be in compliance with a State-approved schedule to meet the conditions of paragraph (c)(1) or (c)(2) of 40 CFR 141.714 for each uncovered finished water storage facility.

5. The ACO required PVWC to execute a contract with a consultant to conduct a feasibility study examining, at a minimum, elimination of the existing uncovered finished water storage facilities and/or covering of the existing uncovered finished water storage facilities, and to submit a final report detailing the results of the feasibility study. The feasibility study report (Report) was required to include at least one recommendation to achieve compliance for each of the existing uncovered finished water storage facilities. If more than one recommendation was presented, a preferred recommendation was required to be identified for each option presented. Each recommendation was to identify the benefits and potential limitations of that recommendation and include an estimated cost.

6. On September 10, 2009, PVWC submitted its Report, entitled "Passaic Valley Water Commission Water Storage Improvements Feasibility Study." The Report proposed that PVWC would implement Alternative 7C; specifically, PVWC would eliminate the existing three (3) uncovered finished water reservoirs (Reservoirs) and replace them with storage tanks of sufficient capacity to support operational needs and PVWC would also provide improved auxiliary power capabilities to establish an improved and resilient infrastructure. After making revisions required by the Department, PVWC submitted its Final Report.

7. On August 24, 2012, the Department conditionally approved PVWC's Final Report.

8. The approved portions of the Final Report include the following major components (Project):

a. Installation of two (2) 2.5 million gallon (MG) prestressed concrete storage tanks for a total of 5 MG of storage at the site of the Levine Reservoir, piping modifications, construction of a parking area and access drive, and appropriate stormwater facilities. (Levine Reservoir project)

b. Installation of two (2) 15 MG prestressed concrete storage tanks for a total of 30 million gallons of storage at the site of the New Street Reservoir, demolition of the existing dam, construction of an access road, piping modifications and appropriate stormwater facilities. (New Street Reservoir project)

c. Expansion of pumping capacity of the Great Notch Pump Station by six (6) million gallons per day (MGD) by adding a third pump, to a total firm capacity of 12 MGD. (component of New Street Reservoir project)

d. Installation of a new pump station in the area of the New Street Reservoir site to enable conveyance of 8 MGD of finished water to the (proposed, but not yet approved) Great Notch Tanks. (component of New Street Reservoir project)

e. Installation of an additional 2 MG storage tank at the existing Verona Storage Tank (Verona Tank) site in Verona Township, Essex County.

f. Installation of auxiliary backup power involving four 2,500 kW generators, enabling 81 MGD of production, and construction of a new generator and switchgear building at PVWC's Little Falls Water Treatment Plant (LFWTP improvements).

9. Portions of the Final Report related to PVWC's Great Notch Reservoir were not conditionally approved. PVWC and the City of Newark (Newark) must first execute an agreement regarding scheduling and synchronization of the Great Notch and Cedar Grove Reservoir projects.

10. On July 3, 2013, PVWC and the Department executed an Amended Administrative Consent Order (AACO) requiring PVWC to permit and construct the authorized improvements in the Final Report for the LFWTP improvements, Levine Reservoir project and Verona Tank. After the Levine Reservoir project was completed, PVWC was required to start permitting and construction of the New Street Reservoir project. Four phases of corrosion control treatment improvements were also required.

11. PVWC submitted required permitting and funding documents for the Verona Tank and LFWTP improvements on June 30, 2014. Verona Tank construction was completed November 10, 2015, and the Construction Completion Certificate was submitted February 5, 2016.

12. PVWC completed the first phase of corrosion control treatment improvement required by the AACO on December 30, 2013, and the second phase of corrosion control treatment improvement required by the AACO on December 29, 2014. The third phase of corrosion control treatment improvement required by the AACO was tied to completion of Reservoir improvements.

13. By letters dated June 24, 2014, and October 1, 2014, PVWC received schedule extensions for the Levine Reservoir project in the AACO.

14. PVWC hosted three public meetings on the Levine Reservoir project in the Fall of 2014. PVWC and the Department determined that additional public education and public participation was desirable.

15. By letter dated March 3, 2015, PVWC submitted a schedule for public participation activities for the Levine Reservoir project.

16. On July 23, 2015, PVWC and the Department executed a Second Amended Administrative Consent Order (Second Amended ACO), a copy of which is attached to and made a part hereof, requiring PVWC to permit and construct the authorized improvements in the Final Report for the LFWTP and the Verona Tank, and to determine and identify chosen alternatives for the Levine Reservoir and New Street Reservoir portions of the Project after completion of the public outreach activities. Two (2) phases of corrosion control treatment improvements were also

required. Specifically, for the LFWTP improvements project, the Second Amended ACO requires (in summary):

i. Within one hundred-eighty (180) calendar days of PVWC's receipt of all required permits and funding approvals, PVWC shall advertise for bids for the LFWTP improvements.

ii. Within two hundred-seventy (270) calendar days of PVWC's receipt of all required permits and funding approvals, PVWC shall award a construction contract for the LFWTP improvements.

iii. Within sixty (60) calendar days of PVWC's awarding of a construction contract for the LFWTP improvements, PVWC shall initiate construction.

v. Within seven hundred-thirty (730) calendar days of the start of construction, PVWC shall substantially complete construction of the LFWTP improvements.

17. The primary purpose for the inclusion of the LFWTP improvements in the Final Report was to mitigate concerns about a "Design Emergency Event" occurring during or after the New Street Reservoir project.

18. After completion of additional public outreach, PVWC advised that it intended to proceed with the Levine Reservoir project as stated in the Final Report. On February 5, 2016, PVWC submitted its permit application for construction of storage tanks at the Levine Reservoir site to the Department.

19. On May 2, 2016, Section 106 consultation with the New Jersey State Historic Preservation Officer was initiated for the Levine Reservoir project because PVWC had applied for funding from the New Jersey Environmental Infrastructure Financing Program. While the lead agency for this consultation process was initially the Department, this responsibility was later transferred to the United States Environmental Protection Agency.

20. On May 18, 2016, PVWC awarded a contract for public outreach activities related to the New Street Reservoir project.

21. After completion of New Street Reservoir project public outreach activities, PVWC advised that it intended to proceed with the New Street Reservoir project as stated in the Final Report. On July 20, 2016, PVWC retained a consultant for design of the New Street Reservoir water storage tanks and site improvements.

22. On August 1, 2016, the Department's Division of Water Supply and Geoscience issued permit to construct WCP160001 to PVWC authorizing construction of water storage tanks at the Levine Reservoir site. The permit to construct will expire July 31, 2021.

23. A Memorandum of Understanding (MOU) was executed between Newark and PVWC on July 26, 2017. The MOU pursues a potential joint solution for both PVWC's Great Notch Reservoir and Newark's uncovered finished water reservoir, the Cedar Grove Reservoir. A

Request for Proposals for a joint feasibility study was issued on January 25, 2018, and a consultant contract was awarded in May 2018. The feasibility study activities were initiated during the final calendar quarter of 2018.

24. On December 22, 2017, PVWC requested an extension of the compliance schedule in the Second Amended ACO for the New Street Reservoir project. There was a potential that the compliance schedule could require overlap of construction at both the Levine and New Street Reservoirs due to delays encountered for the Levine Reservoir project. PVWC cannot have both the New Street and Levine Reservoirs out of service simultaneously.

25. On October 29, 2018, the Department issued a schedule extension for the Second Amended ACO for the New Street Reservoir project.

26. On September 14, 2018, PVWC appeared before the New Jersey Historic Sites Council (Council), at a public meeting, to present its Levine Reservoir project, identified as PVWC's Water Storage Improvement Project - Levine Reservoir using the Onsite Storage Tank (Preferred) Alternative, application for authorization under the New Jersey Register of Historic Places Act. The Council passed Resolution 2018-407 recommending that the Department's Commissioner authorize PVWC's Water Storage Improvement Project - Levine Reservoir using the Onsite Water Storage Tanks Alternative (PVWC's Levine Reservoir Alternative) with specific mitigating conditions.

27. On November 16, 2018, the Department's Assistant Commissioner for Natural and Historic Resources issued his authorization for PVWC's Levine Reservoir Alternative to proceed, with conditions (Commissioner's letter). PVWC was required to accept the specified mitigating conditions in writing within sixty (60) days, or the application would be denied.

28. On January 15, 2019, PVWC signed the Commissioner's letter, indicating its acceptance of the specified mitigating conditions. A copy of the Commissioner's letter, with PVWC's signature, is attached to and made a part hereof.

29. On January 24, 2019, PVWC submitted a request for an extension of time to complete the LFWTP improvements, invoking the force majeure provisions of the Second Amended ACO. Although the LFWTP projects started construction timely, numerous problems have been encountered and the LFWTP improvements will not be completed in compliance with the schedule in the Second Amended ACO.

30. Based on the facts set forth in these FINDINGS, the Department has determined that PVWC will violate the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., and the regulations promulgated pursuant thereto, specifically N.J.A.C. 7:10-5.1 et seq.

31. In order to resolve this matter without trial or adjudication, PVWC has agreed to entry of this Third Amended ACO and to be bound by its terms and conditions.

ORDER

A. ENFORCEMENT COMPLIANCE SCHEDULE

32. PVWC shall take whatever actions are necessary to achieve and maintain compliance with N.J.A.C. 7:10-5.1 and 40 CFR 141.714, and to optimize corrosion control treatment, including but not limited to the following:

A. Little Falls Water Treatment Plant (LFWTP) improvements

a. On or before PVWC completes construction of the Levine Reservoir project, PVWC shall complete construction of the LFWTP improvements and have them operable.

B. Levine Reservoir project

a. Within one hundred-eighty (180) calendar days of PVWC's receipt of all required permits and funding approvals, PVWC shall advertise for bids for the construction contract for the Levine Reservoir project.

b. Within two hundred-seventy (270) calendar days of PVWC's receipt of all required permits and funding approvals, PVWC shall award a construction contract for the Levine Reservoir project.

c. Within sixty (60) calendar days of PVWC's awarding of a construction contract for the Levine Reservoir project, PVWC shall initiate construction.

d. Within seven hundred-thirty (730) calendar days of the start of construction, PVWC shall substantially complete construction of the Levine Reservoir project.

C. New Street Reservoir project

a. Within one hundred eighty (180) calendar days of PVWC's awarding of a construction contract for the Levine Reservoir project, but not before January 1, 2019, PVWC shall submit design documents and all required permit applications for the New Street Reservoir project.

b. Within one hundred-eighty (180) calendar days of PVWC's receipt of all required permits, PVWC shall advertise for bids for a construction contract for the New Street Reservoir project.

c. Within two hundred-seventy (270) calendar days of PVWC's receipt of all required permits, PVWC shall award a construction contract for the New Street Reservoir project.

d. Within sixty (60) calendar days of PVWC's awarding of a construction contract for the New Street Reservoir project, PVWC shall initiate construction.

e. Within nine hundred-ten (910) calendar days of the start of construction, PVWC shall substantially complete construction of the New Street Reservoir project.

D. Corrosion Control improvements

a. PVWC's third phase of corrosion control will include the addition of corrosion inhibitor into the piping network that will include the newly constructed Levine Reservoir tanks. This corrosion control system will replace the system at the Botany Pumping Station constructed under the first phase and will increase the corrosion served area to portions of northern Paterson City, and the Boroughs of Fair Lawn and Elmwood Park. This third phase of corrosion control shall be designed, permitted, constructed and placed in service concurrently with the construction of the New Street Reservoir tanks' project as indicated in Paragraph 32.C. of this Third Amended ACO. Note that these corrosion control facilities cannot be placed into service until the New Street Reservoir is taken out of service because water is transferred on a regular basis into the New Street gradient. It is anticipated that the New Street Reservoir will be taken out of service, and the corrosion control facilities placed on line, about one-third of the way through the New Street construction period.

b. The fourth phase of corrosion control will include the addition of corrosion inhibitor into the piping network that will include the newly constructed New Street Reservoir tanks. This new corrosion control addition will effectively complete the corrosion inhibitor coverage throughout PVWC's system and specifically in Paterson City, Prospect Park Borough, and sections of the Cities of Clifton and Passaic. This fourth phase of corrosion control shall be designed, permitted, constructed and placed in service concurrently with the construction of the New Street Reservoir tanks' project as indicated in Paragraph 32.C. of this Third Amended ACO.

Note that all of the aforementioned corrosion inhibitor feed stations will be eliminated and replaced with one central facility located at the Little Falls Water Treatment Plant once the Great Notch Reservoir project is completed and all the open finished water reservoirs are eliminated.

33. Public education for lead (format below) must be continued within 60 days after the end of the monitoring period in which lead monitoring occurs in accordance with 40 CFR 141.85(b)(4). Public education information shall be delivered as follows:

1. Deliver printed educational materials to all bill paying customers;
2. Deliver educational material to local public health agencies even if they are not located with the water system's service area;
3. Contact the local public health agencies directly by phone or in person;
4. Deliver printed education material and an informational notice encouraging distribution to the following facilities located within the water system's service area:
 - Public and private schools or school boards
 - Women, Infants, and Children and Head Start Programs
 - Public and private hospitals and medical clinics,
 - Pediatricians

- Family planning clinics
 - Local welfare agencies
 - Licensed childcare centers
 - Public and private preschools
 - Obstetricians-Gynecologists and Midwives
5. Provide required message on or in each water bill (no less often than quarterly);
 6. Post educational material on the water system's website;
 7. Submit a press release to newspaper, television, and radio stations;
 8. Implement at least three of the following activities:
 - Public service announcements
 - Public meetings
 - Paid advertisements
 - Household deliveries
 - Public area information displays
 - Targeted individual customer contact
 - Emails to customers
 - Direct material distribution to all multi-family homes and institutions

PVWC shall submit proof that public education materials, meeting the content requirements in 40 CFR 141.85(a) and the delivery requirements in 40 CFR 141.85(b), were provided to the persons served PVWC's system in accordance with 40 CFR 141.90(f). A public education certification form must also be completed and submitted upon implementation of the public education requirements.

34. PVWC shall continue to include the following statement in its annual Consumer Confidence Report (CCR). The CCR is a brief annual water quality report required by 40 CFR 141 Subpart O which summarizes information regarding source, detected contaminants, compliance, and educational information:

"Water systems with uncovered finished water reservoirs are required to eliminate or cover these reservoirs, treat the discharge from these reservoirs, or be in compliance with a state-approved schedule to eliminate or cover the reservoirs or provide treatment by April 1, 2009. We have executed an Administrative Consent Order with the New Jersey Department of Environmental Protection wherein PVWC is required to implement a schedule to eliminate, cover or provide treatment for our uncovered reservoirs."

PVWC shall provide proof of provision and publication to the Department.

35. PVWC agrees to execute an amendment of this Third Amended ACO or a separate ACO (amendment) which shall include the design and construction of the alternative(s) recommended in order for PVWC to achieve compliance with N.J.A.C. 7:10-5.1 and 40 CFR 141.714 for its Great Notch Reservoir, or other actions agreed to between the Department and PVWC. The amendment of this Third Amended ACO shall be executed by all parties within a reasonable amount of time, as determined by the Department. If progress towards amending this Third Amended ACO does not occur, or the Third Amended ACO is not amended within a reasonable