

- a. PVWC has complied with the notice requirements of the preceding paragraph;
- b. any delay or anticipated delay has been or will be caused by fire, flood, riot, strike, or other circumstances beyond the control of PVWC; and
- c. PVWC has taken all necessary actions to prevent or minimize the delay.

29. If the Department denies PVWC's force majeure request, PVWC may be subject to stipulated penalties and other civil and/or administrative enforcement actions. The burden of proving that it complied with the preceding paragraphs shall rest with PVWC. The burden of proving that any delay is caused by circumstances beyond the control of PVWC and the length of any such delay attributable to those circumstances shall rest with PVWC. Increases in the cost or expenses incurred by PVWC in fulfilling the requirements of this Second ACO shall not be a basis for an extension of time. Delay in an interim requirement shall not automatically justify or excuse delay in the attainment of subsequent requirements. Contractor's breach shall not automatically constitute force majeure. No force majeure adjustments will be granted for failure to timely submit progress reports.

#### E. GENERAL PROVISIONS

30. Nothing contained in this Second ACO restricts the ability of the Department to raise the above Findings in any other proceeding, specifically including, but not limited to, proceedings pursuant to N.J.S.A. 13:1E-126 et seq., (commonly referred to as A-901).

31. This Second ACO settles and resolves only the violation noted above, and is not a settlement of any other action rising from those violations. Nothing in this Second ACO shall resolve or preclude prosecution of criminal actions against PVWC, if any.

32. This Second ACO shall be binding on PVWC, its agents, successors, assigns, and any trustee in bankruptcy or receiver appointed pursuant to a proceeding in law or equity. Additionally, this Second ACO shall be binding on any PVWC officials, employees, principals, directors, and officers to the extent that any such individual is a responsible corporate official within the meaning of N.J.S.A. 58:10A-31.

33. This Second ACO shall be fully enforceable as a final Administrative Order in the New Jersey Superior Court.

34. PVWC agrees not to contest the terms or conditions of this Second ACO except that PVWC may contest the Department's interpretation or application of such terms or conditions in any action brought by the Department to enforce this Second ACO's provisions.

35. This Second ACO shall not relieve PVWC from obtaining and complying with all applicable federal, state and local permits as well as all applicable statutes, codes, rule, regulations and orders, including but not limited to the statutes and regulations cited herein. Any mandated change to the approved project concept, as described in the conceptual design document, will be considered beyond the control of PVWC and will be cause for amending this Second ACO.

36. The obligations and penalties of this Second ACO are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of public health, safety, welfare and the environment and are not intended to constitute debt(s) which may be limited or discharged in a bankruptcy proceeding.

37. Unless otherwise specifically provided herein, PVWC shall submit all documents required by this Second ACO, except penalty payments, to the Department by certified mail or express mail service, return receipt requested, or by hand delivery with an acknowledgment of receipt form for the Department's signature, or by email with a request for acknowledgement of receipt, to:

Richard T. Paull, Chief  
Northern Bureau of Water  
Compliance and Enforcement  
7 Ridgedale Ave.  
Cedar Knolls, N. J. 07927

E-mail: rich.paull@dep.nj.gov

and

Karen Fell, Assistant Director  
Water Supply Operations Element  
Water Supply and Geoscience  
Mail Code: 401-04Q  
P. O. Box 420  
401 East State Street  
Trenton, N. J. 08625

E-Mail: karen.fell@dep.nj.gov

The date the Northern Bureau of Water Compliance and Enforcement receives the documents or executes the acknowledgment will be the date the Department uses to determine PVWC's compliance with this Second ACO.

38. Unless otherwise specifically provided herein, any communication made by the Department to PVWC pursuant to this Second ACO shall be sent to:

Joseph Bella, Executive Director  
Passaic Valley Water Commission  
1525 Main Ave.  
Clifton, N. J. 07011

with a copy to

George T. Hanley, Esq.  
Law Department  
Passaic Valley Water Commission  
1525 Main Ave.  
Clifton, N. J. 07011

39. PVWC shall not construe any unwritten or informal advice, guidance, suggestions, or comments by the Department, or by persons acting on behalf of the Department, as relieving PVWC of its obligations under this Second ACO, the New Jersey Safe Drinking Water regulations, and/or the New Jersey Safe Drinking Water Act.

40. In addition to the Department's statutory and regulatory rights to enter and inspect, PVWC shall allow the Department and its authorized representatives access to the site at all times for the purpose of determining compliance with this Second ACO.

41. Nothing in this ACO shall preclude the Department from taking enforcement action against PVWC for matters not set forth in the findings of this Second ACO.

42. No obligations or penalties imposed by this Second ACO are intended to constitute debt(s) which may be limited or discharged in a bankruptcy proceeding. All obligations and penalties are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of public health, safety, welfare and the environment.

43. PVWC shall give written notice of this Second ACO to any successor in interest thirty (30) calendar days prior to transfer of ownership or control of the facility or facilities which are the subject of this Second ACO and shall simultaneously notify the Department that such notice has been given. This requirement shall be in addition to any other statutory or regulatory requirements arising from the transfer of ownership or control of PVWC's facility. In addition, the parties agree that any contract, lease, deed or any other agreement that PVWC enters into to convey the property/facility that is the subject of this Second ACO shall include a provision which states that the successor, assignee, tenant or purchaser has agreed to assume the obligations imposed by this Second ACO.

44. The Department reserves all statutory and common law rights to require PVWC to take additional action(s) if the Department determines that such actions are necessary to protect public health, safety, welfare and the environment. Nothing in this Second ACO shall constitute a waiver of any statutory or common law right of the Department to require such additional measures should the Department determine that such measures are necessary.

45. Performance of the terms of this Second ACO by PVWC is not conditioned in any way on the receipt by PVWC of any federal or state funds, except as it may impact the schedule for Phase 1.

46. PVWC shall perform all work required by this Second ACO in accordance with prevailing professional standards.

47. This Second ACO shall be governed and interpreted under the laws of the State of New Jersey.

48. If any provision of this Second ACO is found invalid or unenforceable, the remainder of this Second ACO shall not be affected thereby and each provision shall be valid and enforced to the fullest extent permitted by law. The Department does, however, retain the right to terminate the remainder of this Second ACO if, after such finding, it determines that the remaining Second ACO does not serve the purpose for which it was intended.

49. This Second ACO represents the entire integrated agreement between the Department and PVWC on the matters contained herein.

50. The Department reserves the right to unilaterally terminate this Second ACO in the event PVWC violates its terms and to take any additional enforcement action it deems necessary.

51. This Second ACO shall terminate upon receipt by PVWC of written notice from the Department that all the requirements of this Second ACO have been satisfied. Termination of this Second ACO shall not relieve PVWC of any liabilities for unpaid penalties as previously demanded by the Department pursuant to the terms and conditions of this Second ACO, nor shall it affect in any way the Department's rights and abilities to collect said unpaid penalties.

52. This Second ACO shall become effective upon the execution hereof by all parties.

New Jersey Department of  
Environmental Protection

DATE:

7/9/15

BY:

Richard T. Paull  
Richard T. Paull, Chief  
Northern Bureau of Water  
Compliance and Enforcement

Passaic Valley Water Commission

DATED:

July 23, 2015

BY:

Chrystal Cleaves  
NAME: **Chrystal Cleaves**

TITLE: President

By this signature, I certify that I have full authority to execute this document on behalf of the Passaic Valley Water Commission

Assistant Commissioner's Authorization to Proceed, with  
Conditions

Received  
1-17-19

RE: PASSAIC VALLEY WATER COMMISSION: LEVINE WATER STORAGE IMPROVEMENT PROJECT ("THE PROJECT"):

PVWC Transmittal Letter and Signed Acceptance of Nov. 16, 2018 Decision

State Historic Preservation Office: #10-2030-24

Via email and Overnight mail (Service List - Hard Copies)

To: Office of Assistant DEP Commissioner, Ray Bukowski

cc: State Historic Preservation Office; DAG John Kuehne; PVWC Exec. Dir.; PVWC Engineering and Law Dept.; PVWC Administrative Secretary

Fr: Waters, McPherson, McNeill, P.C., (Special Counsel to PVWC)

Date: January 15, 2019

File : PVWC - Levine Water Storage Improvement Project

As Special Counsel to PVWC, Waters, McPherson, McNeill, P.C., respectfully files the attached signed acceptance by PVWC of the Assistant Commissioner's December 16, 2018 Decision issued in the above matter, under cover of forwarding the letter of PVWC's Executive Director.

Hardcopies are also being forwarded this day (See Service List)

Kenneth D. McPherson Jr.  
201-330-7468



**PASSAIC VALLEY WATER COMMISSION**

1525 MAIN AVENUE • P.O. BOX 230  
CLIFTON, NEW JERSEY 07011 • (973) 340-4300  
CLIFTON FAX # (973) 340-4321

**COMMISSIONERS**

Idida Rodriguez, President, Paterson  
Rigo Sanchez, Vice President, Passaic  
Robert Vannoy, Treasurer, Paterson  
Joseph Kolodziej, Secretary, Clifton  
Gerald Friend, Commissioner, Clifton  
Jeffrey Levine, Commissioner, Paterson  
Ronald Van Rensalier, Commissioner, Passaic

January 10, 2019

VIA EMAIL AND OVERNIGHT MAIL

Ray Bukowski, Assistant Commissioner  
New Jersey Department of  
Environmental Protection  
Mail Code 501-03A  
501 East State Street  
Trenton, NJ 08625-0420

**RE: PASSAIC VALLEY WATER COMMISSION: LEVINE WATER STORAGE  
IMPROVEMENT PROJECT ("THE PROJECT"):**

**PVWC Acceptance;**

**State Historic Preservation Office: #10-2030-24**

Dear Assistant Commissioner Bukowski:

Passaic Valley Water Commission ("PVWC"), applicant in the captioned matter, has considered the Assistant Commissioner's acknowledgment of PVWC's submissions of November 3 and November 15, 2018, in support of application, as well as the Assistant Commissioner's response, dated January 9, 2019, to PVWC's December 24, 2018 letter submission through counsel, conveying PVWC's understanding of the Assistant Commissioner's November 16, 2018 decision and requesting clarification of the expression of certain conditions of the Assistant Commissioner's approval of the application.

Administrative Secretary  
Louis Amodio

Executive Director  
Joseph A. Bella

General Counsel  
George T. Hanley

Raymond Bukowski, Assistant Commissioner  
January 10, 2019  
Page 2

With the benefit of this record, including the aforementioned exchanges, as well as consultations with the State Historic Preservation Office Staff, with the authorization of its Board of Commissioners issued this day, PVWC submits herewith an original executed acceptance.

Respectfully Submitted,

PASSAIC VALLEY WATER COMMISSION

BY:



\_\_\_\_\_  
JOSEPH BELLA, EXECUTIVE DIRECTOR

1096831.1





## State of New Jersey

PHILIP D. MURPHY  
*Governor*

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NATURAL & HISTORIC RESOURCES  
HISTORIC PRESERVATION OFFICE  
MAIL CODE 501-04B  
P.O. BOX 420  
TRENTON, NJ 08625-0420  
TEL: # 609-984-0176 FAX: # 609-984-0578

CATHERINE R. MCCABE  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

November 16, 2018

James G. Duprey, PE  
Passaic Valley Water Commission  
1525 Main Avenue  
P.O. Box 230  
Clifton, NJ 07011

**Re: Passaic County, City of Paterson  
Passaic Valley Water Commission Water Storage Improvement Project -  
Levine Reservoir  
New Jersey Register of Historic Places Act  
Great Falls of Paterson / Society for Establishing Useful Manufacturers (SUM)  
Historic District (listed on the New Jersey Register of Historic Places on May 27,  
1971)  
Great Falls of Paterson / Society for Establishing Useful Manufacturers (SUM)  
Historic District Addendum (listed on the New Jersey Register of Historic Places on  
October 15, 1974)**

Dear Mr. Duprey:

I am writing concerning your application for project authorization for the Passaic Valley Water Commission's (PVWC) Water Storage Improvement Project – Levine Reservoir. The Levine Reservoir is a contributing resource within the Great Falls of Paterson / Society for Establishing Useful Manufacturers (SUM) Historic District. In accordance with the New Jersey Register of Historic Places Act, the PVWC appeared before the New Jersey Historic Sites Council (“the Council”) at a public meeting on September 14, 2018 and made a presentation in support of the application. Pursuant to N.J.A.C. 7:4-7.2(e)(7), the Council passed Resolution 2018-407 (attached) which recommended that the Commissioner of the Department of Environmental Protection (Department) authorize the project with certain mitigating conditions.

Pursuant to N.J.S.A. 13:1B-15.131 and N.J.A.C. 7:4-7.2(b) the Council's recommendation was provided to the Commissioner of the Department who may authorize, conditionally authorize, deny, or temporarily deny the application.

I have carefully reviewed the entire record, including the Application for Project Authorization, supplemental documentation submitted by PVWC prior to the September 14, 2018 meeting of the Historic Sites Council, PVWC's presentation, and testimony from those in attendance at the September 14<sup>th</sup> meeting, as well as documentation received and discussions held subsequent to the meeting, in light of my obligation to consider: (1) the public benefit of the project; (2) whether there are feasible and prudent alternatives; and (3) whether sufficient measures could be taken to avoid, reduce, or mitigate the impacts on the Great Falls of Paterson / Society for Establishing Useful Manufacturers (SUM) Historic District and Great Falls of Paterson / Society for Establishing Useful Manufacturers (SUM) Historic District Addendum pursuant to N.J.A.C. 7:4-7.2(e)(6). In order for me to authorize this application, I must be satisfied that the criteria are met. Based on my review, and the reasons set forth below, I believe that these criteria have been met.

#### **Consideration 1: Public Benefit**

The PVWC has demonstrated the clear public health and safety benefits of this project. The primary purpose and need of the proposed undertaking is that PVWC is currently in violation of the federal Safe Drinking Water Act Regulations. The New Jersey Safe Drinking Water Act regulations, specifically N.J.A.C. 7:10-5.1, adopted 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, which establishes that all uncovered finished water reservoirs must be either covered, or the discharge re-treated on or before April 1, 2009, to achieve inactivation and/or removal of 4-log virus, 3-log Giardia lamblia, and 2-log Cryptosporidium. As stated in PVWC's application material, there are serious deficiencies with the storage of treated water in the uncovered Levine Reservoir. This water, treated at the LFWTP, and stored in the Levine Reservoir, does not have any barriers in place to prevent contamination and provides the greatest opportunity for contaminant entry into the distribution system. These reservoirs are subject to contamination from bird and other animal excrement that can potentially transmit disease-causing organisms to the finished water. Microorganisms can also be introduced into open reservoirs from windblown dust, debris and algae. Uncovered finished water reservoirs are also susceptible to other water quality problems that can directly and adversely impact public health. Some examples are: contamination from land run-off; organic matter such as leaves and pollen, which can result in disinfection byproduct formation; unappealing color, taste and odor issues from algae which reproduce rapidly in open reservoirs with adequate sunlight and nutrients; sediment accumulation due to quiescent conditions that exist in reservoirs can lead to increased turbidity, increased disinfectant demand, and in disinfection byproduct formation. The PVWC treatment process removes harmful bacteria before water is stored in the Levine Reservoir, however, the uncovered reservoir allows bacteria, including E. coli, to grow. The proposed undertaking will benefit the public by removing these contamination threats.

By covering the uncovered finished water reservoir, the public will also benefit by reducing the risk of lead poisoning and other illnesses. Elevated lead levels are being found in homes that receive water from the Levine Reservoir, especially homes in Paterson and Prospect Park. Lead is not present in the water when it leaves the reservoir, however it can dissolve into drinking water when it comes into contact with lead pipes, plumbing and fixtures in consumer's homes. To reduce that risk, PVWC typically adds phosphate-based corrosion inhibitors, but this treatment cannot be applied to water in Levine Reservoir because the exposure of water to sunlight and nutrients such as phosphate can form algae blooms.

In addition, despite the presence of fencing and security cameras, uncovered reservoirs are vulnerable to vandals, criminals, and terrorists. The Levine Reservoir sits less than 30 feet from public sidewalks and roadways that could allow contaminants to be placed in the drinking water.

All three of PVWC's uncovered reservoirs must be brought into conformance with the Department of Environmental Protection's and US Environmental Protection Agency's regulations for finished water storage. By April 1, 2009, all water purveyors were supposed to choose one of two options to modify their water storage and treatment facilities (eliminate or cover) in accordance with the "Long-Term 2 Enhanced Surface Water Treatment Rule." Since the PVWC was not able to meet the April 1, 2009 compliance date, it entered into an Administrative Consent Order (ACO no. NEA08001-1605002) with the Department of Environmental Protection in March 2009, which has subsequently been amended several times. Failure to comply with this ACO could result in fines and other civil proceedings.

### **Consideration 2: Feasible and Prudent Alternatives**

The PVWC has adequately outlined the advantages of the preferred alternative (onsite storage tanks), which include ease of implementation, the ability to improve the security of the overall water system, and the lowest energy, operational, and maintenance costs over time. In addition to bringing the Levine Reservoir into compliance with the applicable NJDEP and EPA regulations for surface water treatment, the use of storage tanks will allow the addition of a corrosion inhibitor that will minimize public exposure to lead and copper in the drinking water caused by the corrosion of service lines, interior plumbing and plumbing fixtures. It will also reduce the corrosion of transmission mains which will improve water quality, fire flow protection and extend life of water mains. The other alternatives that PVWC evaluated were eliminated from further consideration for a variety of reasons that included not allowing for the addition of the corrosion inhibitor, high construction, operation, and/or maintenance costs, and various site restrictions. Based upon my review of this matter, your demonstration of the public benefit of the project, and the evaluation of alternatives, I believe that the Onsite Storage Tank alternative, as provided in the application, is the most prudent and feasible alternative.

### **Consideration 3: Measures to Avoid, Minimize, and/or Mitigate Impacts**

While the PVWC's preferred alternative does not allow for the avoidance of impacts upon historic properties, it does present several opportunities to incorporate measures that will minimize and mitigate the impacts of the undertaking and benefit other historic properties. These measures will

help to strike a balance between the PVWC's obligation to balance the critical health and public safety needs of the project and the preservation of historic resources in the project area.

As noted above, the Historic Sites Council recommended authorization of the proposed undertaking with certain mitigative conditions. Subsequent to the September 14<sup>th</sup> Historic Sites Council meeting, the PVWC expressed concerns regarding these conditions, specifically Condition #4 contained within Resolution #2018-407, which required that PVWC fund and implement a variety of capital rehabilitation projects within the historic Upper Raceway. The PVWC's concerns focused primarily on the fact that the high total cost of these proposed capital improvements was beyond what would be considered commensurate with the impacts of the proposed undertaking and potential legal concerns based on the fact that the PVWC does not own the raceway system or any of the property on which the raceway system is located. In order to meet the spirit and intent of the HSC's recommended mitigation, PVWC has proposed an alternative mitigative measure which includes the contribution of funding towards future capital rehabilitation projects on the raceway system.

#### Authorization

Therefore, in accordance with N.J.S.A. 13:1B-115.131 and its implementing regulations, specifically N.J.A.C. 7:4-7.2(e)(9)ii, I hereby authorize the Passaic Valley Water Commission's Water Storage Improvement Project - Levine Reservoir using the Onsite Storage Tank (Preferred) Alternative, with the following conditions that will reduce and mitigate the impacts to the Great Falls of Paterson / Society for Establishing Useful Manufacturers (SUM) Historic District and the Great Falls of Paterson / Society for Establishing Useful Manufacturers (SUM) Historic District Addendum:

1. Prior to the removal, demolition, or alteration of any components of the Levine Reservoir, PVWC, using the services of an Architectural Historian who meets the Secretary of the Interior's Professional Qualifications Standards [48 FR 44738-9], shall document the existing conditions of the Levine Reservoir, to the standards of the Historic American Engineering Record (HAER). PVWC shall contact the Northeast Regional Office of the National Park Service in Philadelphia to determine the appropriate HAER level of recordation for the property. PVWC shall ensure that all documentation is completed and accepted by the HPO prior to any demolition or alteration of the Levine Reservoir. PVWC shall provide one original copy of the recordation documentation to the HPO and duplicate copies, with original photographs, shall be provided to appropriate repositories as identified in consultation with HPO staff. The recordation document shall be finalized and submitted before September 14, 2019.
2. PVWC shall develop and install three (3) interpretive signs and develop a web page, which detail the history of the Levine Reservoir and its relationship to the Great Falls of Paterson / Society for Establishing Useful Manufacturers (SUM) Historic District as well as the history and significance of the PVWC. The design, content, and location shall be determined in consultation with the HPO, City of Paterson Historic Preservation Commission, and National Park Service. Mockups of the signage shall be submitted to these parties for review and comment prior to fabrication. Photographs of the installed

signage shall be sent to the HPO once it is completed. The web page shall be hosted by PVWC within their website <https://www.pvwc.com>. The design and content of the website shall also be developed in consultation with the above-mentioned parties. Both the interpretive signage and website shall be completed within one year of the completion of the HAER recordation document.

3. PVWC shall, using the services of a professionally qualified landscape architect, develop and implement a landscaping plan for the Levine Reservoir Site. The plan shall include an open water retention basin on the southern side of the proposed storage tanks, a mixture of native plantings, and any additional elements, all of which shall be developed in consultation with the HPO, City of Paterson Historic Preservation Commission, and National Park Service. The landscape architect shall be involved in the selection and placement of all of the plantings on the site. The goal of the plan shall be to screen the tanks from view and to minimize the overall visual impacts from nearby areas within the Great Falls of Paterson / Society for Establishing Useful Manufacturers (S.U.M. Historic District and Paterson Great Falls National Historical Park.
4. PVWC shall fund and oversee the development of an independent engineering feasibility study to specifically investigate all aspects of water sharing between the Upper Raceway and the Levine Reservoir site and/or the new Levine Reservoir retention basin. The specific scope and contents of the study shall be developed in consultation with the HPO, National Park Service, and the City of Paterson and the scope shall include a schedule for the completion of the final study. The final scope shall be submitted by to the HPO by September 14, 2019. Once the scope has been reviewed and approved, PVWC shall issue a Request for Proposal (RFP), select a qualified consultant(s), and manage the study.
5. PVWC shall deposit \$2 million dollars into an escrow account no later than 30 days after receiving all local, County, State, and Federal permits, approvals, and authorizations for the project. A Memorandum of Understanding (MOU) shall be developed that will create an organizational partnership between the PVWC, City of Paterson, and additional appropriate entities identified through consultation. The draft MOU shall be submitted to the HPO for review and approval. Upon execution of the MOU, the funding shall be released from the escrow account and deposited into an account that shall be established by the partnership that will manage the funding. The funding shall be used solely for capital rehabilitation projects on the historic raceway system and/or as match for future grant applications for capital rehabilitation projects on the raceway system.
6. PVWC shall design and construct the project in a manner that will allow the reservoir/site retention basin to be used as a source of water for any future undertaking that will restore water to Paterson's historic Upper Raceway. PVWC will make every effort to design and construct the necessary project elements in a manner that will minimize, to the extent possible, the requirement for removal or alteration of historic fabric from the historic district or historic raceway system.
7. PVWC shall ensure that the final color of the proposed tanks is selected to blend into the surrounding vegetation to the maximum extent possible in order to further minimize any

visual impacts created by their construction. PVWC shall determine the final color of the proposed storage tanks in consultation with the HPO, City of Paterson Historic Preservation Commission, and National Park Service. The same landscape architect referenced above in Condition 3, shall also be involved in the selection of the tank color in order to ensure compatibility with the final landscaping plan.

8. PVWC shall retain and repair the concrete obelisk-shaped fence posts surrounding the reservoir property, concrete cross buttresses, and concrete piers that flank the main entrance gate and incorporate them into the new perimeter fence. The chain-link portions of the fence may be removed and replaced. The final design of the fence shall be developed in consultation with the HPO, City of Paterson Historic Preservation Commission, and National Park Service. The PVWC shall ensure that the color, texture, finish, and appearance of any repaired sections of concrete match the existing material to the greatest extent possible in order to ensure compatibility with the character of the historic district.
9. PVWC shall repoint, repair, and rehabilitate the Grand Street retaining wall. The work shall be done in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties – Rehabilitation. PVWC shall develop the plan for the rehabilitation of the wall in consultation with the HPO, City of Paterson Historic Preservation Commission, and National Park Service. During construction, PVWC shall ensure that a test panel no less than 4' by 4' in size, of the stone work and repointing is prepared for on-site review and approval by the above-mentioned parties, in order to ensure compatibility with the character and setting of the historic district. Stone texture, stone color, stone size, pattern of stones, mortar color, mortar texture, mortar joint profile, mortar joint width, and quality of workmanship will all be considered for approval. If the panel is rejected, a new panel shall be constructed, and so on, until approval is received.
10. PVWC shall develop plans for and implement the rehabilitation of the two buildings they own and operate in Mary Ellen Kramer Park, both located within the Great Falls National Historical Park and Great Falls of Paterson / Society for Establishing Useful Manufacturers (S.U.M. Historic District. These buildings are the Passaic Valley Water Company Falls Pumping Station and the Great Falls Development Corporation Building. PVWC is already preparing preservation plans with conditions assessments for both buildings. The rehabilitation of both buildings shall be conducted in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties – Rehabilitation. The plans for the rehabilitations shall be completed by a Historic Architect that meets the Secretary of the Interior's Professional Qualifications Standards. PVWC shall submit an Application for Project Authorization pursuant to the New Jersey Register of Historic Places Act to the HPO for review and approval for the proposed rehabilitations. The rehabilitation of both buildings shall be completed by September 14, 2020.

11. PVWC shall develop final plans, specifications, and other appropriate contract documents, incorporating the above mentioned mitigative measures that shall be submitted to the HPO for review and approval prior to the construction bidding process.
12. For each of the above-listed mitigative stipulations that requires PVWC to consult with the HPO, City of Paterson Historic Preservation Commission, and National Park Service, the PVWC shall allow these parties 30 days to review and provide comment on submitted documents and/or materials. Should one or more of these parties object in writing to the manner in which the stipulation is proposed to be addressed or implemented, PVWC shall consult with the parties and make a good faith effort to resolve the objection. If the objection cannot be resolved, the HPO shall make the final determination regarding the dispute and the PVWC shall proceed in accordance with the HPO's determination.

Please note that, in accordance with N.J.A.C. 7:4-7.2 (e) 9.ii, you must respond in writing to the conditions within 60 days of the date of this letter. If you agree to the conditions specified above, please sign the bottom of this letter in the space provided and return it to the Historic Preservation Office. Signature on the bottom of this letter will constitute formal acceptance of the conditions of project authorization. If you disagree or fail to respond to the requirements set forth within 60 days, I must, by regulation, deny your application.

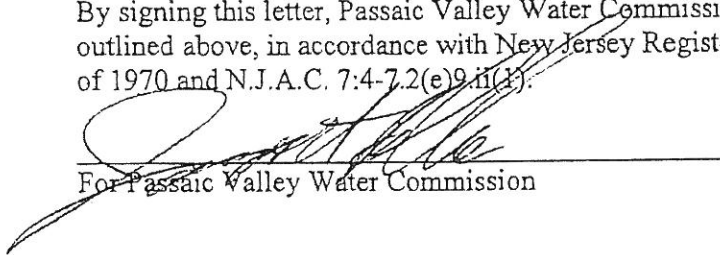
Please do not hesitate to contact Kate Marcopol of my staff at (609) 984-0176 with any questions regarding this review. Thank you for your cooperation.

Sincerely,



Ray Bukowski  
Assistant Commissioner for  
Natural and Historic  
Resources

By signing this letter, Passaic Valley Water Commission accepts the conditions of authorization outlined above, in accordance with New Jersey Register of Historic Places Act, Chapter 4, Laws of 1970 and N.J.A.C. 7:4-7.2(e)9.ii(1).



For Passaic Valley Water Commission

Date

4/15/2019

Cc:

John Eddins, Advisory Council on Historic Preservation  
Darren Boch, Paterson Great Falls National Historical Park - National Park Service

Rosalyn J. Fennell, National Park Service - Northeast Region  
Courtney Worrall, National Parks Conservation Association  
Elizabeth S. Merritt, National Trust for Historic Preservation  
Courtenay Mercer, Preservation New Jersey  
Mayor Andre Sayegh, City of Paterson  
Gianfranco Archimede, Paterson Historic Preservation Commission  
Sonia Gordon, City of Paterson Clerk  
Kristin M. Corrado, Passaic County Clerk  
Leonard Zax, Hamilton Partnership for Paterson  
Maria Mazziotti Gillan, Passaic County Cultural and Heritage Commission  
Darryl Sparta, Passaic County Parks and Recreation Department  
Edward Smyk, Passaic County Historian  
Alison Faubert, Passaic County Historical Society  
David Soo, Paterson Friends of the Great Falls  
Robert Guarasci, New Jersey Community Development Corporation  
Joseph Bella, Passaic Valley Water Commission  
Mary Delaney Krugman, Mary Delaney Krugman Associates, Inc.  
Jerry Notte, CH2M Hill  
David Zimmer, New Jersey Environmental Infrastructure Trust  
Catherine Battiato  
Dorothy Canter  
Aron Eisenpress, Roebling Chapter-Society for Industrial Archaeology  
Michelle Byers, New Jersey Conservation Foundation  
Eugene J. Chebra, Municipal Finance & Construction Element, NJDEP  
Karen Cole, Municipal Finance & Construction Element, NJDEP  
Elizabeth Davis, Municipal Finance and Construction Element, NJDEP  
Pat Gardner, Division of Water Supply and Geosciences, NJDEP  
Michele Putnam, Division of Water Quality, NJDEP  
Lisa Tracey, Northern Bureau Water Compliance & Enforcement, NJDEP  
Kenneth D. McPherson, Jr., Waters, McPherson, McNeil, P.C.



RE: PASSAIC VALLEY WATER COMMISSION: LEVINE WATER STORAGE  
IMPROVEMENT PROJECT ("THE PROJECT"):

PVWC Acceptance

State Historic Preservation Office: #10-2030-24

SERVICE LIST

Mayor Andre Sayegh, City of Paterson  
155 Market Street  
Paterson, NJ 07505

Gianfranco Archimede,  
Paterson Historic Preservation Commission  
125 Ellison, 4th Floor  
Paterson, NJ 07505

Sonia Gordon,  
City of Paterson Clerk  
155 Market Street  
Paterson, NJ 07505

Kristin M. Corrado,  
Passaic County Clerk  
401 Grand Street, #130  
Paterson, NJ 07505

Maria Mazziotti Gillan,  
Passaic County Cultural and Heritage Commission  
c/o Passaic County College  
One College Boulevard  
Paterson, NJ 07505

Darryl Spara,  
Passaic County Parks and Recreation Department  
209 Totowa Road  
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January 15, 2019

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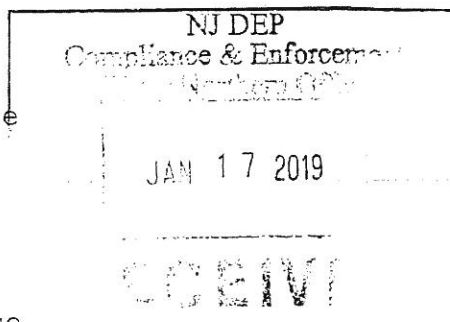
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**RESOLUTION #19-32**  
**RESOLUTION OF PASSAIC VALLEY WATER COMMISSION**  
**DATE OF ADOPTION: MAY 15, 2019**

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

Introduced by Commissioner: **KOLODZIEJ**

Seconded by Commissioner: **LEVINE**

**WHEREAS,** on March 26, 2019 one (1) bid was received by Passaic Valley Water Commission ("PVWC") for Contract No. 19-B-22 "Architectural Rehabilitation of PVWC's Main Pump Station, Superintendent's Building, and Jackson Avenue Pump Station, Totowa and Wayne, New Jersey"; and

**WHEREAS,** the bid has been reviewed by Bilow Garrett Group, Architects and Planners, P.C. of Ridgefield Park, New Jersey ("Bilow Garrett"), PVWC's consultant retained to assist PVWC with this Contract, and Bilow Garrett has determined that the responsive, responsible bid submitted for this Contract was that of Phelps Construction Group, LLC of Boonton, New Jersey (the "Awardee") with respect to said bid in the amount of \$6,664,401.00, and a copy of Bilow Garrett's correspondence dated March 28, 2019 (with referenced attachments), is attached hereto and made a part hereof as Exhibit A; and

**WHEREAS,** the Executive Director, Director of Engineering, and the Director of Purchasing, (and Counsel as to form and legality) have reviewed Bilow Garrett's memorandum and recommendations concerning award of the Contract and concur with same, and copies of the Director of Purchasing's memorandum, and the Director of Engineering's memorandum (both dated March 28, 2019), along with referenced attachments, are attached hereto and made a part hereof as Exhibit B; and