

**R2022-168**

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE TOWN TO EXECUTE A TREATMENT WORKS APPROVAL APPLICATION SUBMITTED BY THE TOWNSHIP OF LOPATCONG ON BEHALF OF BRIDGE ACQUISITION LLC AND EXECUTION OF CONTRIBUTION AGREEMENT**

**WHEREAS**, Bridge Acquisition LLC (“Developer”) requires the endorsement of the Town of Phillipsburg (“Town”) for a Treatment Works Approval (“TWA”) for a sanitary sewer extension related to the development of the Bridge Point 78 Phase III project to be located in Lopatcong Township, Warren County; and

**WHEREAS**, the Township of Lopatcong has submitted a TWA application to the Town for consent to the sanitary sewer extension; and

**WHEREAS**, the project as proposed conforms to the requirements of all municipal ordinances; and

**WHEREAS**, sanitary sewage flows from the project will be conveyed to the Town’s wastewater treatment plant via the main trunk line on Sawmill Road and the piping section between the Phillipsburg Housing Authority and Warren Street, which are at capacity during wet weather flows, as a result of which the United State Environmental Protection Agency via administrative order is requiring system modifications to increase capacity of the aforesaid sewer mains; and

**WHEREAS**, the Town is willing to consent to the TWA on the condition that Developer make a total contribution of \$125,700 to the Town for improvements to the sewer mains referenced above; and

**WHEREAS**, the TWA consent form requires a Resolution of the governing body of the Town authorizing the Mayor and Town sewer engineer to sign said TWA application.

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of Phillipsburg, County of Warren, State of new Jersey, that the Mayor and Dennis Yoder, PE, Town sewer engineer, are hereby authorized to sign the TWA application as required.

**BE IT FURTHER RESOLVED** by the Town Council that the Mayor is authorized to negotiate and execute an agreement with Developer for payment of the required contribution, subject to and consistent with the terms of this resolution and such revisions as deemed advisable by the Town Attorney or other Town professionals, along with other documents and/or agreements that may be necessary to implement the TWA and contribution agreement, and for the Town Clerk to witness same.

**CERTIFICATION**

I, Lorraine Loudenberg, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution adopted by the Town Council at their August 02, 2022 meeting.

A handwritten signature in cursive script, reading "Lorraine Loudenberg", is written over a horizontal line.

Lorrain Loudenberg, Acting Municipal Clerk

STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Water Quality

Reset Form

**STATEMENTS OF CONSENT**

*A supplement to the TWA-1 or NJPDES-1 Forms*

**General Information**

Applicant/Owner/Operator: Bridge Acquisition, LLC

Location of Work Site: Block 99, Lot 6 / 80 Strykers Road, Lopatcong Township, NJ

Name of Project/Facility: Bridge Point 78 Phase III

Type of permit application: TWA  
(TWA, NJPDES/SIU)

NJPDES Permit Number (if applicable):


**A-1 Consent By Governing Body\*\***

(Consent by the municipality in which the project is located.)

As an authorized representative of the governing body, I hereby certify that the

Township of Lopatcong  
(Name of Municipality or Municipal Authority)

consents to the submission of the above listed application to the Department of Environmental Protection for approval. I further certify that the project as proposed conforms with the requirements of all municipal ordinances.

Signed\*  Date: 7-6-2022

Type Name and Position: James E. Mengucci, Mayor

\* Cite authorization to sign for the governing body

Resolution# 22-97 Dated 7-6-2022

(Submit the resolution with the application. If no such resolution granting authority to sign exists, the Governing Body's full resolution, consenting to the project, must be submitted with the application.)

\*\* Note

For most Treatment Works Approval (TWA) applications, this section may be omitted if a sewerage entity (for example, sewerage authority, utilities authority, municipal utilities authority, joint meeting, etc.) has responsibility for regulating the construction and operation of wastewater treatment and conveyance facilities within the municipality. In such cases, the governing body consent requirement may be satisfied by completing Section A-2. Applicants for TWAs for industrial/commercial facilities discharging pursuant to NJPDES/DSW or DGW permits must complete section A-1.

**A-2 Consent by Sewerage Authority\*\***

As an authorized representative of this agency, I hereby certify that the

[Redacted]  
(Name of Agency)

consents to the submission of the above listed application to the Department of Environmental Protection for approval. I further certify that the project as proposed conforms with the requirements of this agency.

Signed\* \_\_\_\_\_ Date\_ [Redacted]

Type Name and Position\_ [Redacted]

\* Cite authorization to sign for the agency

Resolution# [Redacted] Dated [Redacted]  
(Submit the resolution with the application. If no such resolution granting authority to sign exists, the Governing Body's full resolution, consenting to the project, must be submitted with the application.)

\*\* Note

For TWA applications, this section must be completed when a sewerage entity (for example, sewerage authority, utilities authority, municipal utilities authority, joint meeting, etc.) has responsibility for regulating the construction and operation of wastewater treatment and conveyance facilities within the municipality.

**A-3 Consent by Owner of Wastewater Treatment Facility\*\***

(For NJPDES/SIU applications only)

As an authorized representative of this agency, I hereby certify that the

Town of Phillipsburg  
(Name of Agency)

consents to the submission of the above listed application to the Department of Environmental Protection for approval. I further certify that the project as proposed conforms with the requirements of this agency and the agency agrees to accept wastewater from the project for treatment.

Signed\* Todd Tersigni Date\_ 8/3/2022

Type Name and Position\_ Todd Tersigni, Mayor

\* Cite authorization to sign for the agency

Resolution# R2022-168 Dated Aug. 2, 2022  
(Submit the resolution with the application. If no such resolution granting authority to sign exists, the Agency's full resolution, consenting to the project, must be submitted with the application.)

\*\* Note

For NJPDES/SIU applications, this section must be completed when the owner of the receiving wastewater treatment plant is different than the entity listed under A-2.

**B. Certification by Wastewater Conveyance System Owner\*\***

By agreeing to accept wastewater from the project, I (we) hereby certify that to the best of my (our) knowledge the wastewater conveyance system, into which the project proposed under this application will connect, has adequate capacity in accordance with N.J.A.C. 7:14A-1.2 ("Adequate conveyance capacity"). Furthermore, I (we) am (are) not aware of inadequate conveyance capacity conditions in any portion of the downstream facilities necessary to convey the wastewater from this project to the treatment plant.

Name of Municipality or Authority CICF II - NJ1B04, LLC

Signed\* [Signature] Date 3/24/22

Type Name and Position Franz S. Coloredo-Mussfeld, Director

\* Cite authorization to sign for the governing body

Resolution# [ ] | Dated [ ]  
(Submit the resolution with the application. If no such resolution granting authority to sign exists, the governing body's full resolution, consenting to the project, must be submitted with the application.)

\*\* Note

- 1. For TWA applications, this section must be completed by the owner/operator of the wastewater conveyance system into which the project named herein will directly connect.
- 2. For NJPDES/SIU applications, this section must be completed when the owner/operator wastewater conveyance system into which the project named herein will directly connect is different than the entity listed under A-3.

**C. Certification by Wastewater Treatment Facility Owner\*\***

(For TWA applications that include a sewer connection/extension.)

I (we) hereby certify that the committed flow\*\*\* to the \_\_\_\_\_

(Name of Wastewater Treatment Plant)

does not exceed the presently permitted design capacity and with the additional flow proposed by this application, the permitted design capacity is not anticipated to be exceeded. I (we) further certify that the treatment plant is currently complying with its conventional and non-conventional NJPDES permit requirements (see N.J.A.C. 7:14A-22.17(b)-(d), percent removal and toxicity requirements excluded from this certification) as determined by a rolling average of the three most recent monthly discharge monitoring reports that were required to be submitted to the Department as of this date, and based upon my (our) assessment of all information pertinent to this permit request, is anticipated to continue to do so with the additional flow from this project.

Accepted for Treatment by NJ0024716  
(Name of Treating Authority)

Signed\* [Signature] Date 8/3/2022

Type Name and Position Todd Tersigni, Mayor Phillipsburg

Name of project and/or location [ ]

\* Cite authorization to sign for the governing body

Resolution# R2022-165 | Dated Aug. 2, 2022  
(Submit the resolution with the application. If no such resolution granting authority to sign exists, the governing body's full resolution, consenting to the project, must be submitted with the application.)

\*\* For TWA applications, this section must be completed by the owner of the wastewater treatment facility receiving the wastewater identified in this application.

\*\*\* For the purposes of this certification, committed flow means the sum of the 1) actual metered flow, 2) flow from DEP approved TWA applications (not yet operational), and 3) flow from locally approved projects that do not require DEP approval.

### **Additional Information (For TWA Applications)**

1. Approvals, permits, service contracts, or other reservations of flow capacity issued or agreed to by any participating municipality or sewerage agency do not constitute the required approval of the DEP.
2. For computation of actual flow at the receiving wastewater treatment plant, the average flow processed by the facility for the three (3) month period immediately preceding the submission of the application shall be used. Pursuant to the NJPDES regulations (N.J.A.C. 7:14A), no application shall be submitted to the DEP if the wastewater treatment facility is not meeting its discharge permit requirements.

### **Lack of Consent\***

1. The affected sewerage authority or municipality must consent to the application or submit comments to the DEP within 60 days of the applicant's request for consent. Prior to the expiration of the 60-day period to respond to a request for a written statement of consent, the municipality or sewerage authority may request a 30-day time extension.
2. Any document issued by a sewerage authority or municipality which is a tentative, preliminary, or conditional approval shall not be considered a statement of consent.
3. When the affected sewerage authority or municipality does not consent to a project, it shall state all reasons for rejection or disapproval in a resolution and send a certified copy of the resolution to the DEP.
4. When the affected sewerage authority or municipality expressly denies a request for a written statement of consent for a project, the permit application may be determined by the DEP to be incomplete for processing; or in the alternative, the DEP may review the reasons for denial. Any such reasons shall be considered by the DEP in determining whether to issue a draft permit in accordance with N.J.A.C. 7:14A-15.6, or a Treatment Works Approval or sewer connection approval in accordance with N.J.A.C. 7:14A-22.
5. When the affected sewerage authority or municipality does not issue a written statement of consent in accordance with (1) above, or a denial in accordance with (3) above, the DEP, upon receipt of proof that the applicant has delivered to the affected agency a written request for a statement of consent, shall review the reasons therefore, if known on the basis of reasonably reliable information. Any such reasons shall be considered by the DEP in determining whether to issue a draft permit in accordance with N.J.A.C. 7:14A-15.6, or a Treatment Works Approval in accordance with N.J.A.C. 7:14A-22. The DEP, may in its discretion, deem the application to be incomplete pending the expiration of the time period set forth in (1) above.

\* This section has been excerpted from the NJPDES regulations for guidance purposes only. Please refer to N.J.A.C. 7:14A-22.8(a)3 for the complete requirements concerning statements of consent.

**Notice: False statements, representations, or certifications, in any application, record, or document are subject to fines and penalties as set forth in the Water Pollution Control Act (N.J.S.A. 58:10A-10F 2 and 3.**