



Legislation Details (With Text)

**File #:** 16-1042      **Version:** 1      **Name:** Memorandum of Understanding entered into separate ACO's with NJDEP to address Great Notch and Cedar Grove Water water storage reservoirs, respectively

**Type:** Resolution      **Status:** Adopted

**File created:** 6/15/2016      **In control:** Water Sewer Utility

**On agenda:** 7/19/2016      **Final action:** 7/19/2016

**Title:** Dept/ Agency: Water and Sewer Utilities  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Intergovernmental Agreement  
Purpose: Memorandum Of Understanding between the City of Newark and the Passaic Valley Water Commission to develop a shared solution to bring the Great Notch and Cedar Grove water storage reservoirs into compliance with their respective Administrative Consent Orders  
Entity Name: Passaic Valley Water Commission  
Entity Address: 1525 Main Avenue, P.O. Box 230, Clifton, New Jersey 07011  
Contract Amount: \$0.00  
Funding Source: \$0.00  
Contract Period: From the date of adoption of this resolution to completion.  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
No Municipal funds need to be expended for this agreement.

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
7/19/2016	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the Passaic Valley Water Commission (“PVWC”) and the City of Newark (“Newark”), (individually referred to herein as the “Party” and collectively as the “Parties”), desire to enter into a Memorandum of Understanding (“MOU” or “Agreement”) to work together to develop and implement a mutual and shared solution to bring both PVWC’s Great Notch water storage reservoir and Newark’s Cedar Grove water storage reservoir into compliance with the Parties’ respective Administrative Consent Orders (“ACO”)’s with NJDEP; and

**WHEREAS**, it is beneficial to the Parties to work together to develop and implement a shared solution that will bring both Parties into regulatory compliance while providing improved water quality, consumer satisfaction, infrastructure stability and resiliency, operational optimization, and financial viability for the mutual benefit of PVWC’s and Newark’s respective ratepayers and consumers; and

**WHEREAS**, these ACO’s include, among other things, provisions that challenge both PVWC and Newark to work together to develop a shared solution to bring their respective water storage reservoirs into compliance with USEPA regulatory requirement under CFR 141.714 and the lead and copper rule, as adopted by NJDEP under N.J.A.C. 7:10-5.1 (the “Safe Drinking Water Act”); and

**WHEREAS**, the agreed-to framework for the Parties to explore options to interconnect these two reservoirs and use them to service both Parties’ distribution systems through a shared solution that meets the Safe Drinking Water Act is set forth in the MOU, and a draft copy of the form of which, along with a copy of the respective Parties’ ACO’s and other relevant information, is attached hereto and made a part hereof (as an attachment to the PVWC memorandum referenced as Exhibit A: and

**WHEREAS**, the Director and Counsel for the Department (as to form and legality), have reviewed the MOU, and a Department memorandum dated May 23, 2016 regarding same is attached hereto and made a part hereof in above-referenced as Exhibit A along with each parties’ respective Administrative Consent Order issued by the New Jersey Department of Environmental Protection also attached hereto and made a part hereof in above and referenced as Exhibit B.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Municipal Council of the City of Newark hereby authorizes and approves the MOU between PVWC and Newark.
2. The Director of Water and Sewer Utilities is hereby authorized and directed to perform such acts and execute such documents as are necessary to implement the terms, conditions and intentions of this Resolution and the submissions provided in connection therewith, as all set forth hereinabove.
3. This agreement is entered into without competitive bidding pursuant to N.J.S.A. 40A:11-5(2) because the contracting parties are New Jersey Municipalities.
4. No Municipal funds need to be expended for this resolution.
5. The attached Agreement shall become effective upon approval by the Municipal Council. Any changes to the agreement will require the approval of the Newark Municipal Council.

6. The Director of the Department of Water and Sewer Utilities shall file a fully executed copy of the Agreement in the Office of the City Clerk by.

### **STATEMENT**

This resolution authorizes the Director of the Department of Water and Sewer Utilities to execute the attached Memorandum of Understanding with the Passaic Valley Water Commission for the development and implementation of a shared solution to bring both PVWC's Great Notch water storage reservoir and Newark's Cedar Grove water storage reservoir into compliance with both Parties' respective Administrative Consent Orders ("ACO")'s with the New Jersey Department of Environmental Protection.