

RESOLUTION 2016-093

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
WITH AN ESTIMATED COST BETWEEN \$2,625.00 AND \$17,500.00
WITHOUT PUBLIC ADVERTISING FOR BIDS

WHEREAS, the "Local Public Contracts Law" provides that except for contracts which require the performance of professional services, all contracts or agreements which do not require public advertising for bids and the estimated cost or price is between \$2,625.00 and \$17,500.00, two (2) or more competitive quotations as to cost or price, whenever practicable, shall be solicited by the contracting agent, and the contract or agreement shall be made with and awarded to the lowest responsible bidder; and

WHEREAS, The Bordentown Sewerage Authority has solicited from the following bidders the respective quotations as to the price:

<u>BIDDER</u>	<u>PRICE</u>
Remington & Vernick Engineers	\$16,500.00
Kleinfelder	\$23,200.00

for the following goods or services:

PCB Sampling and Reporting plus completion of PCB Pollutant Minimization Plan as per BSA NJPDES Permit #NJ 0024678

WHEREAS, a Certificate of Availability of Funds has been provided by the designated certifying finance officer and is attached hereto.

NOW, THEREFORE, BE IT RESOLVED, this 19th day of December, 2016, that a contract, be and the same is hereby awarded to:

Remington & Vernick Engineers

in the amount of \$16,500.00 , for the goods or services described above.

THE BORDENTOWN SEWERAGE AUTHORITY

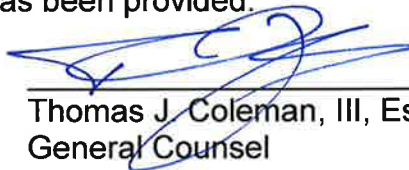
Attest:

By:


Stephen Monson, Secretary


James E. Lynch, Jr., Chairman

I have reviewed this Resolution and the Certificate of Availability of Funds and am satisfied that an appropriate Certificate of Availability has been provided.


Thomas J. Coleman, III, Esquire
General Counsel

CERTIFICATE OF AVAILABILITY OF FUNDS

I, Richard D. Eustace, Executive Director and Certifying Finance Officer of The Bordentown Sewerage Authority, do hereby certify, pursuant to the rules of the Department of Community Affairs, Division of Local Government Services (N.J.A.C. 5:34-5.1 et seq.), that there are available adequate funds for the following proposed contract:

CONTRACT:	PCB Sampling and Reporting plus Completion of PCB Minimization Plan as per BSA NJPDES Permit # 0024678
CONTRACTOR:	Remington & Vernick Engineers
CONTRACT AMOUNT:	\$16,500.00
BUDGETARY LINE ITEM:	01-003-670A

I certify that the same funds have not been certified as available for more than one pending contract.

12/19/16

Date



Richard D. Eustace
Certifying Finance Officer

**THE BORDENTOWN SEWERAGE AUTHORITY
QUOTATION RECORD FORM**

PROJECT: PCB sampling and PMP Plan as per NJPDES Permit

ITEM OR SERVICE: _____

If not awarded to lowest price, explanation: _____

1. Vendor: Remington & Vernick Price: \$16,500

Special Terms: This is a not to exceed value

Solicited By: Email Fax Phone In Person Internet

2. Vendor: Kleinfelder Price: \$23,200

Special Terms: not to exceed

Solicited By: Email Fax Phone In Person Internet

3. Vendor: _____ Price: _____

Special Terms: _____

Solicited By: Email Fax Phone In Person Internet

4. Vendor: _____ Price: _____

Special Terms: _____

Solicited By: Email Fax Phone In Person Internet

AWARDED TO: _____ PRICE: _____

TERMS: _____ SPECIAL COMMENTS: _____

PURCHASE ORDER # _____

SOLICITATION PERFORMED BY: Richard D. Eustace

Richard D. Eustace DATE: 12/14/16

(SIGNATURE)

PRINCIPALS

Edward Vernick, PE, CME, President
Craig F. Remington, PLS, PP, Vice President
Michael D. Vena, PE, PP, CME (deceased 2006)
Edward J. Walberg, PE, PP, CME, CFM
Thomas F. Beach, PE, CME
Richard G. Arango, PE, CME
Kim Wendell Bibbs, PE, CME
Marc DeBlasio, PE, PP, CME, CPWM, CEP
Alan Dittenhofer, PE, PP, CME
Leonard A. Faiola, PE, PP, CME
Christopher J. Fazio, PE, CME
Terence Vogt, PE, PP, CME
Dennis K. Yoder, PE, PP, CME

SENIOR ASSOCIATES

Charles E. Adamson, PLS, AET
John J. Cantwell, PE, PP, CME
Richard B. Czekanski, PE, CME, BCEE
Annina Hogan, PE, RA, CME, CPWM, LEED-AP
Kenneth C. Ressler, PE, CME
Frank J. Seney, Jr., PE, PP, CME, NBIS
Gregory J. Sullivan, PE, PP, CME, CEA

PLEASE REPLY TO THE NOTED OFFICE

Remington & Vernick Engineers
232 Kings Highway East
Haddonfield, NJ 08033
☐ (856) 795-9595

51 Haddonfield Road, Suite 260
Cherry Hill, NJ 08002
☐ (856) 795-9595

**Remington, Vernick
& Vena Engineers**
9 Allen Street
Toms River, NJ 08753
☐ (732) 286-9220

3 Jocama Boulevard, Suite 300-400
Old Bridge, NJ 08857
☐ (732) 955-8000

**Remington, Vernick
& Walberg Engineers**
845 North Main Street
Pleasantville, NJ 08232
☐ (609) 645-7110

4907 New Jersey Avenue
Wildwood City, NJ 08260
☐ (609) 522-5150

Melford Plaza I, Suite 400
16701 Melford Boulevard
Bowie, MD 20715
☐ (240) 544-5382

**Remington, Vernick
& Beach Engineers**
922 Fayette Street
Conshohocken, PA 19428
☐ (610) 940-1050

1000 Church Hill Road, Suite 220
Pittsburgh, PA 15205
☐ (412) 263-2200

Univ. Office Plaza, Bellevue Building
262 Chapman Road, Suite 105
Newark, DE 19702
☐ (302) 266-0212

**Remington, Vernick
& Arango Engineers**

The Presidential Center, Lincoln Building
Suite 600, 101 Route 130,
Cinnaminson, NJ 08077
☐ (856) 303-1245

One Harmon Plaza, Suite 210
Secaucus, NJ 07094
☐ (201) 624-2137

December 9, 2016

Mr. Richard D. Eustace, Executive Director
Bordentown Sewerage Authority (BSA)
954 Farnsworth Avenue
P.O. Box 396
Bordentown, NJ 08505

**RE: Bordentown Sewerage Authority
Proposal for Technical Assistance
PCB Sampling and Development of PCB Minimization Plan**

Dear Mr. Eustace:

REMINGTON VERNICK & ARANGO ENGINEERS has reviewed the final New Jersey Pollutant Discharge Elimination System (NJPDDES) permit issued on November 23, 2015 for the Blacks Creek wastewater treatment plant. The permit contains the following requirements:

► Part IV: Page 3 of 15: On separate dates collect one wet weather outfall sample and one dry weather outfall sample for PCB analyses using EPA Method 1668A, Revision A. This work includes analyzing a trip blank.

► Part IV: Page 4 of 15: Submit a PCB Minimization Plan to both the NJDEP and DRBC for approval prior to April 1, 2017. Per DRBC's Water Quality Regulations, Section 4.30.9, the developed plan shall contain the components described in the enclosed seven page attachment.

Based on the above scope the cost for our services will be on a time and material basis with a requested not to exceed fee of \$16,500.00 which is \$10,200.00 in labor/mileage fees and \$6,300.00 allowance for PCB outside laboratory sampling/analyses. The PCB laboratory time for analysis is based on a turnaround time of 60 days.

In addition to generating the minimization plan our services include providing sampling equipment; performing the sampling; maintaining sample at proper temperature; and transportation to the laboratory. The sampling units can operate on battery power.

Work under this proposal ends upon plan approval by the NJDEP. This proposal does not include any PCB implementation work or annual report work.

Bordentown Sewerage Authority
PCB Sampling and Development of PCB Minimization Plan
December 9, 2016

We trust the information provided meets your requirements. Should you have any questions or require additional information, please do not hesitate to contact Richard B. Czekanski in our Haddonfield office.

Sincerely,
REMINGTON VERNICK & ARANGO ENGINEERS

By 

Edward Vernick, P.E., C.M.E.
President

cc: Craig Remington
Dennis K. Yoder
Richard Czekanski
Stacy Dos Santos

Administrative Manual – Part III WATER QUALITY REGULATIONS

**WITH AMENDMENTS THROUGH
DECEMBER 4, 2013**

18 CFR PART 410



**DELAWARE RIVER BASIN COMMISSION
P.O. BOX 7360, WEST TRENTON, NEW JERSEY 08628
(609) 883-9500 • www.drbc.net**

E. **Analysis Procedures.** Samples shall be analyzed and bioassays performed in accordance with the procedures in the latest edition of Standard Methods for the Examination of Water and Wastewater, or as prescribed by the Commission.

1. In the analysis of oil and grease samples from oil storage terminal runoff, the liquid-liquid extraction with trichlorotrifluoro-ethane gravimetric method shall be used.

F. **Access.** The Commission, its officers, agents, and employees shall have access to observe and inspect waste treatment and in-plant control facilities and to collect samples for analyses.

4.30.9 **Pollutant Minimization Plans for Toxic Pollutants**

A. **Applicability.** Following either (i) a determination of assimilative capacity by the Commission for a toxic pollutant in accordance with Section 4.30.7 of these regulations or (ii) the issuance of a total maximum daily load (TMDL) by the U.S. Environmental Protection Agency or a Basin State for a toxic pollutant in accordance with Section 304(d)(1)(c) of the Clean Water Act, the Commission may add such pollutant to the list established at Section 4.30.9A.1, and in accordance with Section 4.30.9A.2, may require classes of point or non-point dischargers or individual dischargers to prepare pollutant minimization plans (PMPs) to reduce or prevent releases of the toxic pollutant to Basin waters.

1. In accordance with Section 5.2 of the *Delaware River Basin Compact*, the Commission has determined that the effectuation of the Comprehensive Plan requires control and abatement of the pollutants listed below, through the PMP requirements set forth herein.

(a) Total Polychlorinated Biphenyls (PCBs).

2. The following classes of dischargers or individual dischargers shall be subject to Section 4.30.9 of these Regulations and shall be so notified in writing by the Executive Director:

(a) any discharger to which the Commission has assigned an individual allocation for a pollutant listed at Section 4.30.9A.1., in accordance with an assimilative capacity determination issued under Section 4.30.7 of these Regulations

(b) any discharger that has received an individual wasteload allocation in a TMDL established by the U.S. Environmental Protection Agency or a Basin State for a pollutant listed at Section 4.30.9A.1.

Provided, however, that dischargers listed in Group 2 of Tables 3-2 through 3-5 of Appendix 3 of the document, *U.S. Environmental Protection Agency Regions II and III, Total Maximum Daily Loads for Polychlorinated Biphenyls (PCBs) for Zones 2-5 of the Tidal Delaware River* (December 15, 2003) ("Group 2 dischargers"), shall only be subject to Section 4.30.9 in the event that the

presence of PCB congeners is confirmed through monitoring in accordance with the requirements set forth in Appendix 3 of the same document.

(c) any discharger or class of dischargers of a pollutant listed at Section 4.30.9A.1 that the Commission determines after public notice and a hearing, has an adverse effect on the water resources of the Basin.

3. Until such time, if any, as the NPDES permitting authority issues a permit in accordance with Section I, the Commission may relieve a discharger of the requirements of Section 4.30.9 for a pollutant, effective upon written notice to the discharger, if the Commission determines, in consultation with the State in which the discharger is located, that the discharger has (a) achieved the maximum practicable reduction of releases of the pollutant to the air, soil or water in accordance with Section 4.30.9E.9; and (b) is not having or has ceased to have an adverse effect on the water resources of the Basin. Notice of a determination in accordance with this section shall be published by the Commission in the applicable state register and on the Commission's website.

B. Purpose. For toxic pollutants listed in Section 4.30.9A.1, implementation of a comprehensive set of measures, including trackdown studies, process modifications, materials substitutions, treatment technologies, best management practices and/or procedures tailored to the facility or site may be necessary to achieve required loading reductions. Owners and operators, who possess the greatest knowledge of their operations and site conditions, are in the best position to develop and implement such measures. The pollutant minimization plan requirements of Section 4.30.9 may be used to require owners and operators to perform a systematic analysis of their facilities and sites in order to locate pollutant sources and to design and implement measures to achieve the necessary reductions. The elements of a PMP set forth at Section 4.30.9E of the rule are intended to ensure that similarly situated dischargers make comparable efforts, and that progress in implementing plans and reducing pollutant loadings is measured and reported. Within these constraints, creative approaches to pollutant trackdown and reduction are encouraged.

C. Definitions. For the purposes of Section 4.30.9 of these Regulations, key terms are defined as follows:

1. **Adverse Effect.** A point or non-point source of a toxic pollutant has an "adverse effect" on the water resources of the Basin if it is causing or contributing to a violation of applicable stream quality objectives or water quality standards in Basin waters for which, in accordance with Section 4.30.9A., a TMDL or assimilative capacity determination has been established.

2. **Maximum Practicable Reduction.** The "maximum practicable reduction" of releases of a toxic pollutant is the maximum degree of reduction in releases of the pollutant to the air, soil and water (including elimination of such releases where achievable), taking into account economic and technological feasibility and any new environmental impacts that would result, that is achievable for a given site or facility

through the application of equipment, technology, process or procedure modifications; reformation or redesign of products; substitution of raw materials; or changes in management practices, materials handling, inventory control, or other general operational phases of the site or facility, either alone or in combination. If the pollutant is present within a site or facility but is contained, maximum practicable reduction includes the implementation of measures to prevent its future release. For municipal wastewater treatment plants, maximum practicable reduction shall include system trackdown and analysis and may include, among other things, reductions achieved through education and outreach and coordination with other local, state, and federal regulatory agencies.

3. **Service Area.** A “service area” is the area served by a municipal or industrial wastewater treatment plant. It includes the geographic area served by the plant’s collection system, plus any sites or facilities outside the collection system that transport waste to the plant for treatment.
4. **Toxic pollutant.** A “toxic pollutant” is any pollutant defined as toxic in a federal or Basin state statute or a regulation issued by the Commission, the U.S. EPA or a Basin state.

D. Procedures for Submission, Review, Implementation and Continuation of PMPs. The following procedures shall apply to a discharger required to develop, submit and implement a PMP in accordance with Section 4.30.9, until such time, if any, as the NPDES permitting authority issues a permit in accordance with Section I:

1. **Time of Submission.** The discharger shall develop and submit the PMP to the Commission and the permitting agency (if any) within 90 days of receipt of notice from the Executive Director.
2. **Completeness Determination.** The Commission staff, in consultation with permitting agency staff (if applicable), shall review each PMP for completeness, and the Executive Director shall issue a completeness determination to the discharger, copied to the permitting agency, confirming that a PMP is complete or identifying deficiencies in the PMP. The completeness determination shall not be construed as a determination of the adequacy of the PMP to achieve the maximum practicable reduction of pollutant discharges to the air, soil or water in accordance with Section E.9.
3. **Cure of Deficiency.** Within 30 days of receipt of a completeness determination in accordance with Section 4.30.9D.2., above, dischargers shall submit a PMP to the Commission and the State in which the discharger is located that reflects a good faith effort to cure any deficiency identified in the determination. If the revised PMP is satisfactory, the Executive Director shall issue a second determination of completeness stating that the deficiency has been cured. If the revised PMP is still incomplete, the Executive Director in her discretion may either grant the discharger additional time to cure the deficiency or commence an enforcement action and/or seek penalties against the discharger, unless for good cause shown the Executive

Director grants a waiver in accordance with Section 4.30.9E. The Executive Director may commence an enforcement action and/or seek penalties in accordance with Section 14.17 of the *Compact* and Section 4.30.9D.9 below in the event of persistent or bad faith failure by the discharger to submit a complete PMP.

4. **Commencement of PMP Implementation.** The discharger shall commence implementation of its PMP as submitted, within 60 days of receipt of a determination of completeness under Section 4.30.9D.2 or D.3.
 5. **Initial Term of PMP.** Each PMP shall be designed for an initial term of five years.
 6. **Additional Term of PMP.** The term of the PMP shall be reviewed by the Commission staff in consultation with the State in which the discharger is located prior to the expiration of the PMP, and an additional term shall be determined by the Executive Director.
 7. **Plans Deemed Non-Compliant.** If the Commission determines at any time, upon the recommendation of the Executive Director, that a PMP being implemented or to be implemented in accordance with Section 4.30.9 is not likely to achieve the maximum practicable reduction of pollutant discharges to the air, soil and water, then the Commission may require the discharger to submit a revised PMP to more aggressively reduce pollutant loading. The discharger shall submit a revised PMP responsive to the Commission's request within 60 days of receipt of the request. The time periods provided in Sections 4.30.9D.2 through D.4., with respect to curing a deficiency and commencing implementation, shall apply.
 8. **Persistent or Bad Faith Failure to Comply.** The Executive Director is authorized to commence an enforcement action against a discharger in accordance with Article 7 of the Commission's *Rules of Practice and Procedure* for persistent or bad faith failure to submit a complete plan, to modify a plan deemed non-compliant, or to implement a plan.
- E. **Plan Elements.** A PMP prepared in accordance with these regulations shall contain the following elements:
1. **Good Faith Commitment.** A signed and dated statement by the highest ranking official having day-to-day managerial and operational responsibilities for the facility, expressing the company's good faith commitment to reducing discharges of the target pollutant through the PMP process.
 2. **Discharger Contact.** Name and contact information for an individual who will serve as the contact for information concerning the PMP.
 3. **Description and Maps of Facility.**
 - a. For Industrial Facilities:
 - company and facility name and address;

- raw materials and industrial processes used, and products generated that either contain the pollutant or that may be related to the generation or release of the pollutant;
 - for facilities accepting non-facility wastes, a description of all such wastes;
 - a map of all point and nonpoint source releases from the facility or site and a description of such releases;
 - all local, state and federal discharge permits and permit numbers for permits that relate to releases of the pollutant; and
 - receiving stream for all discharges, including River Mile in instances where the receiving stream is the main stem Delaware River.
- b. For Municipal Wastewater Treatment Plants (WWTPs):
- facility name and address;
 - description and map of the facility's service area;
 - description and map or schematic diagram of the collection system;
 - description of any wastes accepted from outside the collection system (e.g., wastes trucked or transported by rail to the collection system for treatment);
 - map of all point and nonpoint source releases from the facility or site and description of the nature of such releases;
 - all local, state and federal permits and permit numbers for permits that relate to releases of the pollutant;
 - receiving stream for all discharges, including River Mile in instances where the receiving stream is the main stem Delaware River; and
 - a list of all known industrial users of the collection system and pretreatment permit numbers if any.

4. Description and Map of Known Sources.

- a. Description of all materials, equipment, processes, soil areas or sediment areas within a facility, site, or service area, from which the pollutant is released directly or indirectly into a wastewater treatment system, sewage collection system, stormwater collection system, stream or river, including a description of the pathways if known.
- b. Site map or collection system map showing location of known sources and pathways.

5. List of Potential Sources.

- a. For industrial dischargers, identify any material, equipment, process, soil area, sediment area or facility on the site known to contain or generate the pollutant, but that is not deemed a source because it is not known to be releasing the pollutant or because no pathway to surface water or groundwater exists. Provide estimate of the mass of the pollutant present, if known.
- b. For municipal WWTPs, identify any material, equipment, process, soil area, sediment area or facility that is part of the collection system or that is within the

service area and that is known to contain the pollutant, but that is not deemed a source because no pathway to surface water or groundwater exists. Provide estimate of the mass of the pollutant present if known.

6. **Strategy for Identifying Unknown Sources of the Pollutant (Trackdown).**
 - a. For industrial dischargers, the strategy for identifying pollutant sources may include, but shall not be limited to, investigation of an industrial process used by the discharger that is similar to one known to have generated the pollutant elsewhere; investigation of historic activities on the site; or investigation of possible soil or sediment contamination or stormwater management system contamination as a result of historic or ongoing activities.
 - b. For municipal WWTPs, trackdown strategy may include, but shall not be limited to, identification, through screening, of any portions of the collection system containing higher concentrations or masses of the pollutant; identification of industrial users of the collection system that are likely to have used or generated the pollutant in the past; industrial processes known to be in use that could generate the pollutant; sites containing equipment that is likely contaminated with the pollutant, and sites that have been used to dispose of the pollutant.
 - c. Trackdown efforts may rely upon analytical methods other than those required under Section 4.30.9E.13, below, for purposes of screening or identification of pollutant sources.
7. **Previous, Ongoing or Planned Minimization Activities Undertaken Voluntarily or Required by Other Regulatory Programs.** Previous, ongoing or planned pollutant minimization activities underway or to be undertaken voluntarily or in accordance with a federal or state requirement for the pollutant that is the subject of the PMP, including the level of pollutant reduction attained, level of pollutant reduction targeted, measures completed, measures underway, and the schedule for planned activities.
8. **For Municipal WWTPs Only, Recommendations for Action Under Other Regulatory Programs.** Based on information known at the time of PMP submission or identified during implementation of the PMP, recommendations for remediation activities to be undertaken under the auspices of other local, state or federal regulatory agencies or programs.
9. **Pollutant Minimization Measures.** A description of measures to be taken to achieve the maximum practicable reduction of discharges to the air, soil or water.
10. **Source Prioritization.** Prioritization of known and potential sources, either individually or in categories, from most to least significant, on the basis of available information. Factors to be considered in prioritizing known sources should include, but shall not be limited to, available information on pollutant mass (or volume of the discharge and concentration of the pollutant), and likelihood of release into Basin

waters. Factors to be considered in prioritizing potential sources may include, but shall not be limited to, current or past industrial activity, presence and type of equipment containing the pollutant, waste management activities and overall condition of the site and facilities.

11. **Key Dates.** Date of submission of waste implementation plan; date by which initiation of plan activities is required; and schedule for implementation of each of the measures described in Section 4.30.9E.9 above.

12. **Measurement of Progress.**

- a. **Loading Baseline and Reductions.** A PMP shall contain a loading baseline as set forth below, and shall provide for the measurement of mass loadings on a biennial basis using methods listed at Section 4.30.9E.13. In addition to biennial monitoring using methods listed in Section 4.30.9E.13, a PMP shall contain alternative methods for estimating loading reductions for all non-point sources and may contain such alternative methods for point sources.

Descriptions of the following shall be included in a PMP:

- for point sources, procedures and data obtained utilizing the appropriate method listed in Section 4.30.9E.13 below, for establishing a loading baseline;
 - for non-point sources, procedures and data to be used in establishing a loading baseline;
 - procedures and data, in addition to biennial monitoring using methods listed in Section 4.30.9E.13, to be used to estimate loading reductions. Such measures may include indirect effluent monitoring, direct and indirect monitoring of treatment plant influent, and/or engineering calculations.
- b. **Additional Measures of Progress.** A PMP shall contain a description of the methods, other than measurement of loading reductions, to be used to measure and report progress toward achieving maximum practicable reduction of the pollutant. Such measures shall reflect the approaches to be taken to achieve maximum practicable reduction of the pollutant.
13. **Sampling and Analytical Methods.** The following sampling and analytical methods shall be used to establish a loading baseline for point sources and to establish pollutant reductions for point and non-point sources, in accordance with section 4.30.9E.12.a., above.
 - a. PCBs – EPA Method 1668, Revision A, including sampling and analytical requirements specified in the document entitled, *Delaware River Estuary Stage 2 PCB TMDL – Polychlorinated Biphenyls – EPA Method 1668A – Project Quality Control Requirements* (DRBC, 2004).

- F. **Annual Report.** Each year, commencing one year from the date by which initiation of PMP activities is required to begin in accordance with Section 4.30.9D.4 above, or such other date as may be specified in a NPDES permit issued in accordance with Section 4.30.9I, and continuing through the fifth year of the plan, the discharger shall submit to the Commission and the State in which the discharger is located an annual report that:
1. describes any material modifications to the facility's operations, site boundary, service area, or waste streams in the course of the preceding year that might affect releases of the pollutant, along with appropriate revisions made to the PMP;
 2. outlines measures under way and completed to achieve maximum practicable reduction of pollutant releases since the last report and since initiation of the PMP;
 3. reports incremental and cumulative changes from the pollutant loading baseline established in accordance with Section 4.30.9E.12.a., above; and
 4. describes progress toward achieving maximum practicable reduction of the pollutant, using measures identified in accordance with Section 4.30.9E.12.b., above.
- G. **Waiver.** Until such time, if any, as the NPDES permitting authority issues a permit in accordance with Section I, the Executive Director, in consultation with the State in which the discharger is located, may modify any of the time requirements of Section 4.30.9D for a PMP for good cause and may waive any of the plan element requirements of Section 4.30.9E for a PMP, upon a showing that an element listed at Section 4.30.9E is inapplicable to or inappropriate for the particular facility or site to which the PMP applies. Any discharger seeking such a waiver must submit such request to the Executive Director in writing.
- H. **Guidance.** The Commission may develop guidance for the development of PMPs for specific pollutants consistent with the requirements set forth in Section 4.30.9E.
- I. **Relationship to NPDES Permit.** Upon issuance of an initial, renewed or modified NPDES permit by the State in which the discharger is located or the U.S. Environmental Protection Agency to a discharger that has been made subject to Section 4.30.9, which permit contains the requirements to develop, submit to the permitting authority and implement a PMP consistent with that Section, then as to that discharger:
1. the Commission shall cease to administer Section 4.30.9 with respect to the discharge of the pollutant to which the PMP requirements of the permit relate, upon the date such requirements become effective; and
 2. the NPDES permitting authority shall apply the more stringent of Section 4.30.9 or other applicable state or federal requirements with respect to the discharge of the pollutant to which the PMP requirements of the permit relate.

- J. **Reservation of Authority.** Nothing in this rule shall limit the authority of the Commission or the Executive Director under the *Compact* to control future pollution, abate existing pollution or require review of a project by the Commission under Section 3.8 of the *Compact*, including through the issuance of docket-specific PMP requirements or other methods.

4.30.10 **Other Considerations**

- A. **Intrastate Tributaries.** In addition to the requirements of this Article, effluent quality requirements or intrastate tributaries shall include such regulations as the State in which the tributary is located may impose in order to comply with the water quality criteria provided by 4.20.4.

B. **Operations**

1. Waste treatment operations, except disinfection, shall not be curtailed at any time of the year.
2. The capability to resume disinfection, upon reasonable notice not to exceed 15 days, shall be maintained.

Section 4.40 Ground Water Quality Requirements

- 4.40.1 **Prohibited Activities.** No person, firm, partnership, corporation, association, or other entity, including any of the signatory parties, any political subdivision, agency, department or instrumentality of any of them, shall cause or permit any pollution of ground waters or violate the ground water quality objectives or control requirements imposed by or determined pursuant to this Section or Section 3.40.

- 4.40.2 **Enforcement Procedures.** The enforcement procedure of Section 4.50 with respect to effluent quality requirements for discharges shall be deemed applicable to the enforcement of this Section and Section 3.40. For the purposes thereof, the word "discharger" as used in Section 4.50 includes any party affected by this Section.

Section 4.50 Enforcement Procedures.

- 4.50.1 **Scope.** The Standards will be enforced with respect to effluent quality requirements in accordance with this Section. It is intended that such enforcement procedures will be administered with due recognition of the laws and requirements of the signatory parties, and with the utilization to the maximum practical extent of the functions, powers and duties of water pollution control agencies of the signatory parties in accordance with administrative agreements which may be entered into by and between the Commission and such agencies.



November 2, 2016

VIA EMAIL

Richard Eustace, Executive Director
Bordentown Sewerage Authority
P.O. Box 396
Bordentown, NJ 08505-0396

**RE: PROPOSAL – PCB SAMPLING AND REPORTING PLUS PCB POLLUTANT MINIMIZATION PLAN
BORDENTOWN SEWERAGE AUTHORITY, NJPDES PERMIT NO. NJ0024678**

Dear Mr. Eustace:

Nicole Joy provided me with your New Jersey Pollutant Discharge Elimination System (NJPDES) permit and requested that I send you this proposal for Kleinfelder East, Inc. (Kleinfelder) to assist the Bordentown Sewerage Authority (BSA) by implementing the polychlorinated biphenyl (PCB) sampling, analyses, and reporting for PCB congeners required in Part IV Section D.2 of the NJPDES permit (#NJ0024678) for the BSA Wastewater Treatment Plant (WWTP). The permit requirements for PCBs are intended to satisfy the Total Maximum Daily Load (TMDL) established by the Delaware River Basin Commission (DRBC, 2003 & 2006) for PCBs for the tidal Delaware River. Specifically, BSA is required to: 1) collect one effluent sample annually during wet weather and analyze for PCB congeners via Method 1668; 2) collect one effluent sample annually during dry weather and analyze for PCB congeners via Method 1668; and 3) submit a Pollutant Minimization Plan (PMP) for PCBs within 12 months of the effective date of permit (April 1, 2016). BSA is required to begin implementing the PCB PMP 60 days after receiving plan approval, and to submit Annual Reports as well as electronic data reporting throughout the permit cycle.

KLEINFELDER QUALIFICATIONS

Kleinfelder provides a full range of services to NJPDES discharge permittees. Our professional and experienced staff has helped dozens of clients obtain new permits and renewals for both surface and subsurface discharges. We help clients deal with compliance issues such as permit violations, as well as permit issues such as pretreatment and local limits and effluent limitations. Kleinfelder works directly with the regulatory agency to help our clients successfully navigate through the regulatory process and achieve meaningful results. We approach all cases with the same underlying constant philosophy, namely, to obtain appropriate effluent limitations which are cost-effective, realistically achievable, and protective of the environment.

Kleinfelder (previously as Omni Environmental) is well known for our work with DRBC's PCB Monitoring program in support of the TMDL for PCBs established by DRBC in December of 2003. Kleinfelder coordinated the Phase 1 monitoring programs for over 25 point source dischargers on behalf of the Rancocas Watershed Association. Over the years, we have been active with many aspects of the monitoring program, including identifying DRBC protocol, coordination of permitted facilities, and selection of and coordination with certified laboratories. Furthermore, we have developed PCB PMPs for many municipal wastewater treatment plants, all of which have been approved by DRBC. We are helping several facilities implement their plans as well. Kleinfelder has been helping many NJPDES permittees satisfy their PMP requirements since the inception

of the program, having had the first PCB PMP approved by DRBC as well as the first approved Annual Report. I have been invited by DRBC and NJDEP to speak twice on the topic of *Implementation of PCB Pollutant Minimization Plans for Small Municipal Wastewater Utilities*, once at a DRBC workshop in Salem and again at a NJWEA Annual Conference.

SCOPE OF WORK

Based on my review of Part IV Section D.2 of the NJPDES permit for the BSA WWTP, it appears that two activities are required to be completed between now and April 1, 2017: 1) sampling, analysis, and reporting of two effluent samples and blanks for PCBs, one dry-weather sample and one wet-weather sample; and 2) preparation of a PCB PMP. Kleinfelder proposes to perform the tasks associated with these two activities as described below.

SAMPLING, LABORATORY ANALYSIS, QA/QC DATA REVIEW, AND DATA SUBMISSION

Task 1 includes one (1) dry-weather sampling event and one (1) wet-weather sampling event. Both wet- and dry-weather sampling events will consist of 24-hour composite sampling using equipment cleaned and prepared as required for PCB congener analysis. Kleinfelder will closely coordinate with BSA staff in order to collect the wet-weather samples in conformity with the sampling requirements based on local precipitation and continuous effluent flow data. Actual 24-hour composite sampling will be performed by Eurofins QC, Inc. under subcontract with Kleinfelder. Replicate samples will also be collected and stored to provide sample in the event of analytical failure of any kind. Laboratory analysis of both the sample and a field blank for all 209 PCB congeners will be performed by Cape Fear Analytical, a certified laboratory using EPA Method 1668, as required by the NJPDES permit. Method 1668 requires analysis of a field blank for each sampling event. Sampling and laboratory analyses will be performed in such a manner that they provide all necessary data to complete the DRBC/NJDEP QA/QC and reporting requirements. Kleinfelder will perform an independent quality control check and submit a full Type 1 Data package with formatted electronic data delivery to DRBC and NJDEP on behalf of BSA.

In addition to the required electronic data submission, Kleinfelder proposes to prepare and submit a letter to NJDEP summarizing the sampling results and suggesting a next course of action. The purpose of the voluntary results summary is to identify options to reduce BSA's future costs associated with PCB monitoring. Based on the results of the first wet- and dry-weather sampling events, Kleinfelder may advocate to NJDEP for one or more of the following outcomes:

- If the wet- and dry-weather sampling results are similar to each other, Kleinfelder may petition NJDEP to eliminate subsequent years' wet-weather sampling. Kleinfelder has successfully eliminated wet-weather sampling requirements for other clients.
- If sampling results indicate very low levels of PCB such as might be expected from background concentrations, Kleinfelder may petition NJDEP to reduce or eliminate future monitoring, and to waive the PMP requirement.

Kleinfelder has a very good working relationship with DRBC and NJDEP regarding their PCB Monitoring program, and has successfully worked with the NJDEP for over 20 years on regulatory issues relating to NJPDES permitting. Kleinfelder will work with DRBC and NJDEP to obtain the most favorable and least costly implementation for BSA that is still protective of the environment.

POLLUTANT MINIMIZATION PLAN (PMP)

The PMP represents a good faith commitment by BSA to identify and reduce discharges of the target pollutant PCBs to the Delaware River (via Blacks Creek). Kleinfelder proposes to perform the following tasks in order to develop a PCB PMP for BSA.

Assemble Existing Data and Evaluate Known and Potential PCB Sources

Kleinfelder will assemble all of the baseline information necessary to prepare the PMP. Kleinfelder takes great pride in the success of its past plans, which have received expeditious regulatory approval. As a starting point, Kleinfelder will review and evaluate relevant information provided by BSA, including all PCB monitoring data, sewer service area, conveyance system information, treatment plant processes, and user information. Kleinfelder will also access readily available regulatory geographic coverages concerning hazardous waste generators and contaminated waste sites (e.g., CERCLA and NPL) on or adjacent to your service area. Also, Kleinfelder will perform an on-site inspection to document any potential PCB sources on BSA WWTP property.

Any relevant information provided by BSA will be incorporated within the PCB PMP, as will the sampling approach and results from any previous PCB work performed by BSA.

Prepare and Submit PMP

Based on all available data and information, Kleinfelder will devise a PMP approach for BSA that will satisfy DRBC regulatory scrutiny without proposing more sampling than is justified by the potential sources identified and overall level of contamination. To the extent that existing information can be used in lieu of requiring additional data collection in the PMP, this will of course be recommended. The Draft PMP will be prepared in accordance with the DRBC Section 4.30.9 requirements and other guidance available from DRBC, and will be reviewed by BSA, modified as necessary, and submitted to DRBC and NJDEP. BSA is required to begin implementation of the PMP 60 days after receiving approval of its PMP.

BUDGET AND AUTHORIZATION

A budget breakdown to perform the services can be found in the table below.

Task	Cost
PCB Effluent Composite Sampling (2 events)	\$1,400
Laboratory Analyses (2 samples plus 2 blanks)	\$4,000
Quality Control Data Review and Electronic Data Submission	\$600
Data Evaluation and Summary	\$1,800
On-Site PCB Inspection	\$2,400
PCB Pollutant Minimization Plan	\$13,000
Total	\$23,200

We propose to complete this project on a fixed-fee basis for a total cost of \$23,200, which will be invoiced monthly to BSA based on the percent of work complete in accordance with the enclosed

Client Professional Services Agreement. Please indicate acceptance of this proposal by signing the Client Professional Services Agreement, and returning it to us.

Thank you for including us as part of your team. Please feel free to contact me if you have any questions or need additional information. You can reach me directly via telephone at 609-924-8821 (ext. 128) or via email at TAmidon@Kleinfelder.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Amidon". The signature is fluid and cursive, with a large, stylized initial "T" and "A".

Thomas Amidon
Principal Water Resources Scientist

Enclosure