

**TOWN OF GUTTENBERG REQUEST FOR QUALIFICATIONS
FROM MUNICIPAL ENGINEER FIRMS INTERESTED IN SERVING AS
MUNICIPAL ENGINEER TO THE TOWN OF GUTTENBERG
FOR THE SPECIAL PROJECT OF THE GUTTENBERG'S
COMBINED SEWER SYSTEM**

Introduction

The Town of Guttenberg ("Town") is a municipality of Hudson County, New Jersey . Pursuant to N.J.S.A. 19:44A-20.5 et seq, the Town seeks Requests for Qualifications ("RFQ") from municipal engineer firms that wish to provide services to the Town as directed by the Town Administrator or other appropriate officials within the Town for the special project of the Guttenberg's combined sewer system.

Scope of Services

The Town of Guttenberg with the Town of North Bergen operates a combined sewer system. The Town of Guttenberg's portion of said system is subject to an Administrative Compliance Order that is attached hereto as attachment "A". The time and deadlines for that Order was extended by a letter of September 24, 2013 attached hereto as attachment "B". The Administrative Compliance Order requires the Town of Guttenberg to prepare and submit certain documents to the United States Environmental Protection Agency.

The municipal engineering company selected for this project will provide the following:

1. On or before February 19, 2014, the engineer will submit, with the Town's approval, a Facility Inventory Assessment Analysis (FIAA). This assessment will contain an inventory engineering assessment of all facilities owned and/or operated by the Town of Guttenberg. The assessment will include the operational status and mechanical and structural integrity of the major components of the combined sewer system. This FIAA will also include a sewer service map delineating existing facilities. If this Facility Inventory and Assessment Analysis is rejected by the USEPA, the engineering firm will be responsible for whatever corrections are necessary for the acceptance of this assessment by the USDEP.
2. On or before February 19, 2014, the engineer will submit, with the Town's approval, a prioritized list of combined sewer projects and implementation schedule. If this plan is rejected by the USEPA, the engineering firm will be responsible for whatever corrections are necessary for the acceptance of this plan by the USDEP.
3. On or before February 19, 2014, the engineer will develop a combined sewer overflow pollution prevention plan as required by Part I. E.1 of the Town of Guttenberg's permit which requires the Town of Guttenberg to develop, implement and maintain a combined sewer overflow pollution prevention plan (CSOPPP) which

meets the minimum content requirements as specified in the permit. If this plan is rejected by the USEPA, the engineering firm will be responsible for whatever corrections are necessary for the acceptance of this plan by the USDEP.

4. On or before May 20, 2014, the engineer will submit, with the Town's approval, a preparation of an Operation and Maintenance Plan. Said plan will contain the following components:
 - A. Annual budget analysis.
 - B. Financial management system.
 - C. Staffing and training.
 - D. Emergency operations program including system vulnerability analysis.
 - E. Administrative functions.

In this plan, the engineer will provide an adequate operation training program, a schedule of collection system inspections, a program for the cleaning and maintenance of the system, a program for the collecting and maintaining of documentation of the collection system activities which should include but not be limited to customer complaint response, inspection results and maintenance activities. In addition, the engineer will provide a vulnerability analysis which will be an evaluation of the of the assets of the combined sewer system for susceptibility to malfunction and identify corrective actions that can reduce or mitigate the risk of vandalism, sabotage or failure of said equipment.

If this operation and maintenance plan is rejected by the USEPA, the engineering firm will be responsible for whatever corrections are necessary for the acceptance of this plan by the USDEP.

This preparation of the operation and maintenance manual shall be fully integrated with the North Bergen MUA's Operation and Maintenance Manual.

All necessary documents can be downloaded from the official Guttenberg website, www.guttenbergnj.org

Professional Information and Qualifications

1. Name of Firm;
2. Address of principal place of business and all other offices and corresponding telephone and fax numbers. Please note specifically which engineers will be assigned to work with the Town;

3. Description of firm's engineers' education, experience, qualifications, number of years with the firm and a description of their experience with projects similar to those described above;
4. Examples of your record of success (or significant achievements) servicing public entities with projects similar to these description above;
5. The firm's ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff);
6. Cost details;
7. Any other information which the interested firm deems relevant;
8. New Jersey Business Registration Certificate;
9. Fully executed Non-Collusion Affidavit which is attached;
10. Fully executed Disclosure of Ownership form which is attached;
11. Mandatory Equal Employment Opportunity Language (if applicable).

Section Criteria

The selection criteria used in awarding a contract or agreement for professional services as described herein shall include:

1. Qualifications of the individuals who will perform the tasks and the amounts of their respective participation;
2. Experience and references;
3. Ability to perform the task in a timely fashion, including staffing and familiarity with the subject matter;
4. Cost competitiveness; and
5. Other factors, if demonstrated to be in the best interest of the Town.

Submission Requirements

RFQ must be hand-delivered no later than November 22, 2013 at 2:00 p.m. to:

Alberto Cabrera, Town Clerk
Office of the Town Clerk
Guttenberg Town Hall
6808 Park Avenue
Guttenberg, New Jersey 07093

Please submit one original and seven (7) copies to the RFQ. Use white 8 ½ x 11 paper. Please also deliver one (1) copy to the office of Charles P. Daglian, attorney for the Town of Guttenberg at 34 Jones Street, Jersey City, New Jersey 07306.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
Region 2
300 Broadway
New York, New York 10007-1866

RECEIVED
AUG 26 2013
TOWN CLERK
GUTTENBERG, NJ

IN THE MATTER OF:

Town of Guttenberg

NJPDES General Permit No. NJ0105023
Authorization No. NJG0108715

Respondent.

Proceeding pursuant to §§ 308(a) and 309(a) of the
Clean Water Act, 33 U.S.C. §§ 1318(a) and 1319(a)

**INFORMATION REQUEST AND
ADMINISTRATIVE COMPLIANCE ORDER**

CWA-02-2013-3030

A. LEGAL AUTHORITY

The following Information Request and Administrative Compliance Order (together the "Order") are issued pursuant to Sections 308(a) and 309(a) of the Clean Water Act ("CWA"), respectively, 33 U.S.C. §§ 1318(a) and 1319(a). These authorities have been delegated by the Administrator of the United States Environmental Protection Agency ("EPA") to the Regional Administrator, EPA Region 2 and further delegated to the Director of the Division of Enforcement and Compliance Assistance, EPA Region 2.

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of the EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New Jersey Department of Environmental Protection ("NJDEP") is the agency with the authority to administer the federal NPDES program in New Jersey pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b). Under this authority, a New Jersey Pollutant Discharge Elimination System ("NJPDES") permit is required to be issued to facilities by the NJDEP for the discharge of pollutants from point sources to navigable waters of the United States. The EPA maintains concurrent enforcement authority with authorized states for violations of the CWA and permits issued by authorized States there under.
3. "Person" is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include any individual, corporation, partnership, association or municipality.

4. "Municipality" is defined by Section 502(4) of the CWA, 33 U.S.C. § 1362(4), to include among other things, a city, town, borough, county, parish, district, associations, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.
5. "Discharge of a pollutant" is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.
6. "Pollutant" is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water.
7. "Point source" is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
8. "Navigable waters" is defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), to include the waters of the United States, and "waters of the United States" is defined at 40 C.F.R. § 122.2 to include, among other things, waters which are currently used in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide, and all other waters, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce.
9. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, in relevant part, that the Administrator of the EPA may require the owner or operator of any point source to, among other things: establish and maintain such records; make such reports; install, use and maintain such monitoring equipment; sample such effluents; and provide such other information as may reasonably be required to carry out the objective of the CWA.
10. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), authorizes the Administrator of the EPA to issue an order requiring compliance with the CWA when any person is found to be in violation of Section 301 of the CWA, 33 U.S.C. § 1311, for, among other things, violating any condition or limitation contained in a permit issued under Section 402 of the CWA; 33 U.S.C. § 1342.
11. Section 402(q) of the CWA, 33 U.S.C. § 1342(q), requires that each permit, order, or decree issued pursuant to the CWA after December 21, 2000 for a discharge from a municipal combined storm and sanitary sewer shall conform to the Combined Sewer Overflow Control Policy signed by the Administrator on April 11, 1994 (hereinafter "CSO Control Policy"). The CSO Control Policy establishes a consistent national approach for controlling discharges from CSOs to the Nation's waters through the NPDES permit program.
12. Pursuant to the CSO Control Policy, a combined sewer system ("CSS") is a wastewater collection system owned by a State or municipality which conveys sanitary wastewaters (domestic, commercial and industrial wastewaters) and stormwater through a single-pipe system to a Publicly Owned Treatment Works ("POTW"). A combined sewer overflow ("CSO") is the discharge from a CSS at a point prior to the POTW Treatment Plant. CSOs are

point sources subject to NPDES permit requirements, including both technology-based and water quality-based requirements of the CWA.

13. Section 212 of the CWA, 33 U.S.C. § 1302, defines “treatment works” as any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including stormwater runoff, or industrial waste, including waste in combined stormwater and sanitary sewer systems.
14. An NPDES general permit for CSS was issued on January 27, 1995, permit No. NJ0105023 (“the CSS General Permit” or “Permit”). The CSS General Permit became effective March 1, 1995 and expired on February 28, 2000. NJDEP reissued the CSS General Permit on February 28, 2000, with an expiration date of February 28, 2005. The NJDEP revoked and reissued the CSS General Permit on June 30, 2004, with an effective date of August 1, 2004, and an expiration date of July 31, 2009. The Permit has been administratively extended.
15. Pursuant to the CSS General Permit, a permittee must comply, among other things, with the following conditions and limitations of the CSS General Permit:
 - a. Pursuant to Part I.C.5.c. of the CSS General Permit, a permittee must develop an Operations & Maintenance (“O&M”) Plan and Manual(s);
 - b. Pursuant to Parts I.C.6.c. and I.C.6.d. of the CSS General Permit, a permittee must develop and maintain a Facility Inventory and Assessment Analysis (“FIAA”); and
 - c. Pursuant to Part I.C.5.b. of the CSS General Permit, a permittee must implement a proper O&M Program.

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Director makes the following findings of fact and conclusions of law:

1. The Town of Guttenberg (“Respondent”) is a town established under the laws of the State of New Jersey that owns and operates the CSS within the Town of Guttenberg and has jurisdiction over the disposal of sewage, industrial wastes, or other wastes.
2. Respondent is a municipality and a person under Sections 502(5) and 502(4) of the CWA, 33 U.S.C. §§ 1362(4) and 1362(5).
3. The CSS includes pump stations, interceptors, force mains, gravity sewer lines, manholes, regulators, tide gates, CSO outfall pipes and solids/floatables capture facilities, and is used for collecting and conveying sanitary wastewaters (domestic, commercial and industrial wastewaters) and stormwater to the wastewater treatment facility (Woodcliff Treatment Plant) operated by the North Bergen Municipal Utilities Authority (“NBMUA”), and located at 7301 River Road, North Bergen, New Jersey 07047, under individual NPDES permit no. NJ0029084.
4. Respondent’s CSS includes one (1) outfall pipe, which is a point source from which Respondent discharges sewage and other pollutants to the Hudson River.

5. The Hudson River is a water of the United States.
6. Respondent applied for and received authorization under the CSS General Permit pursuant to Authorization No. NJG0108715, and has been covered under the conditions and limitations in the Permit at all relevant times addressed by the Information Request and Administrative Compliance Order.
7. The CSS General Permit authorizes Respondent to discharge pollutants from combined sewer outfalls to the Hudson River under the conditions and limitations prescribed in the Permit.
8. On August 16, 2012, the EPA and the NJDEP conducted a compliance evaluation inspection of the Respondent's CSS.
9. Based on the inspection findings, the EPA finds Respondent has failed to comply with the CWA and the conditions and limitations of the CSS General Permit, including but not limited to the following:
 - a. Respondent failed to provide the EPA with a copy of its O&M Plan. Therefore, Respondent violated Part I.C.5.c. of the CSS General Permit by failing to develop an O&M Plan;
 - b. Respondent failed to provide the EPA with a copy of its FIAA. Therefore, Respondent violated Parts I.C.6.c. and I.C.6.d. of the CSS General Permit by failing to develop and maintain a FIAA; and
 - c. Respondent failed to implement a proper O&M Program, in violation of Part I.C.5.b. of the CSS General Permit, as detailed below:
 - i. Respondent failed to provide an adequate operator training program;
 - ii. Respondent failed to implement a regularly scheduled collection system inspection, cleaning, and maintenance program.
 - iii. Respondent failed to implement a system for collecting and maintaining documentation of collection system activities, including but not limited to, customer complaint response, inspection results and maintenance activities.
10. Based upon the above Paragraphs, the EPA finds that Respondent has violated Section 301 of the CWA, 33 U.S.C. § 1311, for discharging pollutants into a water of the United States by failing to comply with the conditions and limitations in the CSS General Permit.

C. REQUESTED INFORMATION

Based on the Findings of Fact and Conclusions of Law, above, and pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), Respondent is required to report the following to the EPA in writing:

1. Within ninety (90) days of receiving this Order, Respondent shall prepare and submit to EPA for review and approval, an itemized list of all rehabilitation measures and/or corrective actions

necessary to achieve and maintain compliance with the Permit, as identified in the enclosed inspection report, along with a prioritized schedule for the completion of each repair project. This list shall be based, in part, on annual inspections of the system, as required by Part I.D.1 of the CSS General Permit, for 2011, 2012, and, if available, 2013.

2. Additionally, Respondent shall provide information regarding locations within the CSS which are currently subject to sediment build-up such that capacity for the conveyance of combined sewage is impaired. This information shall be added, as applicable, to the list required in C.1., above.

D. ORDERED PROVISIONS

Based upon the foregoing Findings of Fact and Conclusions of Law above, and pursuant to the authority of Section 309(a) of the CWA, 33 U.S.C. § 1319(a), Respondent is hereby ORDERED to do the following:

1. Within ninety (90) days of receipt of this Order, Respondent shall submit to the EPA, the documentation for the annual inspections of the combined sewer system in 2011, 2012 and, if available, 2013, as required by Part I.D.1 of the CSS General Permit. If such annual inspections have not yet been conducted, Respondent shall conduct one within sixty (60) days of receiving this Order, and submit the required documentation within ninety (90) days of receiving this Order. To the extent that this documentation includes outstanding rehabilitation measures and/or corrective actions necessary to achieve and maintain compliance with the Permit, including, but not limited to, actions to remedy the problem areas identified in C.1., above, Respondent shall include such outstanding rehabilitation measures and/or corrective actions in the prioritized schedule requested under C.1., above.
2. Within ninety (90) days of receipt of this Order, Respondent shall develop a written O&M Plan and Manual(s) in compliance with the provisions of Part I.C.5. (*see* N.J.A.C. 7:14A-6.12) of the CSS General Permit in order to maintain its system in good working order and operate as effectively as possible. The O&M Plan and Manual(s) shall, at a minimum, contain the items described in the attachment to this Order, entitled "Development of Operation and Maintenance Program and Corresponding Operation and Maintenance Manual," as well as the following elements: an Annual Budget Analysis; a Financial Management System; Staffing and Training; an Emergency Operations Program, including a System Vulnerability Analysis; Administrative Functions; and O&M Manuals. To the extent that any of these elements have been prepared in the past, Respondent shall review and update them, as appropriate, to ensure that they are current and adequate.
3. Within one hundred eighty (180) days of receipt of this Order, Respondent shall provide copies of the O&M Plan and Manual(s) to the EPA for review and approval.
4. Upon approval of the O&M Plan and Manual(s) by the EPA, Respondent shall implement, operate, and maintain its CSS, in accordance with the EPA-approved O&M Plan and Manual(s), to maximize the conveyance of wastewater to the treatment facility operated by NBMUA and to minimize the frequency and duration of CSOs to the receiving water(s).

5. Within ninety (90) days of receipt of this Order, Respondent shall submit to the EPA an up-to-date FIAA, if available, as required by Parts I.C.6.c. and I.C.6.d. of the CSS General Permit. If Respondent's FIAA cannot be located, Respondent shall complete a FIAA and submit it to the EPA within ninety (90) days of receipt of this Order. The FIAA shall, at a minimum, contain the following elements required by provisions of Parts I.C.6.c. and I.C.6.d. of the CSS General Permit: an inventory and engineering assessment of all facilities owned and/or operated by Respondent and authorized under the Permit, a sewer service area map delineating existing facilities, and an inventory and engineering assessment of the operational status and mechanical and structural integrity of the major components of the combined sewer system.
6. Within thirty (30) days of the EPA's approval of the list of rehabilitation measures and/or corrective actions that Respondent submits pursuant to paragraph C.1, above, Respondent shall begin implementing the projects in accordance with the prioritized schedule.
7. Respondent shall submit quarterly reports to the EPA documenting compliance with these Ordered Provisions. Relevant quarterly periods commence October 1, 2013 and are as follows: October 2013 through December 2013, January 2014 through March 2014, April 2014 through June 2014, and June 2014 through September 2014. Respondent shall submit the quarterly report for the October 2013 through December 2013 no later than January 31, 2014. Subsequent quarterly reports shall be submitted to the EPA by the last day of the month following the month marking the end of the quarter.
8. The quarterly reports shall include the following:
 - a. A summary of all combined sewer system inspections conducted in the three-month period, identification of issues based on such inspections, and descriptions of how Respondent is addressing issues it identifies.
 - b. A summary of all sewer related complaints, including complaints about basement backups, received in the three-month period and indication of how Respondent assessed and addressed each complaint.
 - c. A summary of all work performed pursuant to this Order during the three-month period and the scheduled work to be performed during the next three-month period. For all completed rehabilitation measures and corrective actions, Respondent shall include the following in the above list:
 - i. The date when the measure or action was identified;
 - ii. A detailed description (*e.g.*, 250 foot 12" concrete pipe replacement), of the measure or action, including the street(s)/location(s), and preliminary cost estimate; and
 - iii. The date when the measure or action was completed.

E. GENERAL PROVISIONS

1. Any information or documents to be submitted by Respondent as part of this Order shall, pursuant to 40 C.F.R. § 122.22, be sent by certified mail or its equivalent to:

Douglas McKenna, Chief
Water Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
300 Broadway - 20th floor
New York, NY 10007-1866

and shall be signed by an authorized representative of Respondent, and shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

2. Immediately upon receipt of the original copies of this Order, a responsible official of Respondent shall complete and sign the acknowledgment of receipt of one of the originals of the Order and return said original to the EPA representative named above, in paragraph E.1., in the enclosed envelope.
3. Respondent shall have the opportunity, for a period of twenty (20) days from the effective date of this Order, to confer, regarding the Requested Information or Ordered Provisions, with the EPA representative named above, in paragraph E.1.
4. Respondent may seek federal judicial review of the CWA Section 309(a)(3) Administrative Compliance Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by the EPA to ensure swift compliance with the CWA. Issuance shall not be deemed an election by the EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
6. Notice is hereby given that failure to comply with the requirements of the CWA Section 308 Information Request may result in Respondent's liability for civil penalties for each violation of up to \$37,500 per day under Section 309(d) of the CWA, as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court may impose such penalties if the Court

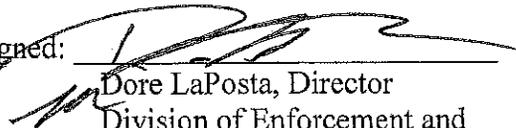
determines that Respondent has failed to comply with the terms of the Information Request. You may also be subject to administrative remedies for failing to comply with the Information Request as provided by Section 309 of the CWA.

7. Notice is hereby given that failure to comply with the requirements of the CWA Section 309(a)(3) Compliance Order may result in Respondent's liability for civil penalties for each violation of up to \$37,500 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court may impose such penalties if the Court determines that Respondent has violated the CWA as described above and failed to comply with the terms of the Compliance Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Administrative Compliance Order.
8. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
9. This Order shall become effective upon the date of execution by the Director, Division of Enforcement and Compliance Assistance.

Dated:

8/19/13

Signed:



Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance

ATTACHMENT

Development of Operation and Maintenance Program and Corresponding Operation and Maintenance Manual

The Operations and Maintenance (O&M) Program and corresponding manual shall include, at a minimum, the following elements:

1. **System Description:** Provide an accurate characterization of the entire collection system owned/operated by the municipality that conveys flows to the host wastewater treatment plant. Previous studies, to the extent that they are accurate and representative of the current system, can be used and shall be identified. This characterization shall include a spreadsheet, organized by CSO outfall, as appropriate, of the capacity, dimensions, age, type of material, and specific location of:

- a) CSO outfalls;
- b) Tide gates;
- c) Solids/floatables controls;
- d) Regulators;
- e) Catch basins;
- f) Gravity lines and force mains, including size, length and direction of flow;
- g) Manholes, including invert elevations of all gravity sewers inlets and outlets;
- h) Pump stations;
- i) Significant Industrial Users or Significant Indirect Users (SIUs); and
- j) Specific locations that have historically experienced the following: blockages, bottlenecks, flow constrictions, sewer overflows including to basements, streets and other public and private areas, overflows or related incidents.

The municipality shall delineate the characterization information, described above, on a GIS map, as applicable, pursuant to N.J.A.C. 7:1D-Appendix A and shall follow the NJ GIS protocol at <http://www.state.nj.us/dep/gis/standard.htm>. The municipality shall map the entire collection system that is owned/operated by the municipality that conveys flows to the host wastewater treatment plant, clearly indicating the CSO outfalls and their upstream, associated regulators, on the GIS map.

2. **Personnel:** Adequate staffing must be provided for the operation and maintenance of the treatment works. Provide a directory of appropriate O&M staff, including a description of their individual responsibilities and emergency contact information.

3. Licensed Operator: The treatment works shall be operated using a licensed operator in accordance with N.J.S.A. 58:11-66(a), N.J.A.C. 7:14A-6.12(b) and N.J.A.C. 7:10A.
4. Equipment: Identify the equipment currently owned, operated and maintained for investigating and maintaining the CSS and, at a minimum, reference appropriate equipment manuals.
5. Training: Provide documentation that ensures that employees are properly trained to perform the operation and maintenance duties required and to follow the Standard Operating Procedures (SOPs) in the O&M Program and corresponding Manual. This shall include a current training program for the purpose of informing new employees and maintaining training levels for current employees in regards to the CSO O&M Program and corresponding Manual, including safety related concerns.
6. Fats, Oil and Grease (FOG) Program: Provide a description of the FOG Program, as appropriate.
7. Individual CSS Components: For each CSS component, identify the frequency of inspections, describe how the inspections will be conducted, specify how corrective measures will be implemented pursuant to inspections and specify how inspections will be documented.
8. Inspection Documentation Forms: Include a section which memorializes all current CSS inspection forms and specify how these forms will be utilized.
9. Standard Operating Procedures: SOPs shall be developed and specified in the O&M Manual for operation, inspection, and scheduled preventative maintenance, in accordance with appropriate manufacturer's recommendations and equipment manuals. The aim of the SOPs is to ensure that the entire collection system that is owned/operated by the municipality that conveys flows to the host wastewater treatment plant functions properly. At a minimum, the SOPs shall contain detailed instructions for system operations, such as frequency of inspections, regular maintenance, the timely repair and documentation of such information. These SOPs shall include procedures to:
 - a) Ensure that the entire collection system owned/operated by the municipality that conveys flows to the host wastewater treatment plant functions at all times in such a way as to not result in sewage overflows, including to basements, streets and other public and private areas, or bottlenecks/constrictions that limit flow in specific areas and prevent the downstream host wastewater treatment plant being fully utilized.
 - b) Ensure that the storage and conveyance of combined sewage to the host wastewater treatment plant is maximized.
 - c) Ensure that the discharges from SIUs contributing to the CSOs are minimized to the greatest extent practicable.
 - d) Ensure there will be no dry weather overflows from any CSO.
 - e) Conduct a visual inspection program, of sufficient scope and frequency of the CSS, to provide reasonable assurance that unpermitted discharges, obstructions, damage, and Dry Weather Overflows (DWOs) will be discovered.

f) Ensure the solids/floatables appurtenances will be maintained and the solids/floatables will be removed from the CSO discharge and disposed of properly at such frequency so as not to cause obstructions of flow for any future CSO discharges.

g) Prevent the intrusion, upstream of the regulators, of receiving waters due to high tides and/or receiving water flooding into the entire collection system owned and operated by the municipality that conveys flows to the upstream wastewater treatment plant.

h) Provide a gravity sewer and catch basin cleaning schedule.

i) Provide a system for documenting, assessing, tracking, and addressing residential complaints regarding blockages, bottlenecks, flow constrictions, sewer overflows including to basements, streets and other public and private areas, or related incidents.

j) Remove, within one (1) week of the becoming aware, any obstructions due to debris, Fats, Oils and Greases, and sediment buildup, or other foreign materials in the collection system owned and operated by the municipality.

k) Require immediate corrective action(s) to repair damage and/or structural deterioration, address unpermitted discharges, and eliminate DWOs of the entire collection system owned/operated by the municipality that conveys flows to the host wastewater treatment plant.

l) Provide for ongoing Infiltration and Inflow (I/I) reduction strategies through the identification of I/I sources and the prioritization and implementation of I/I reduction projects.

m) Provide procedures whereby wet weather flows are maximized for conveyance to the host wastewater treatment plant and discharges from CSOs are minimized.

10. Record Keeping: Identify the various CSS inspection documentation forms and related tracking systems and specify where and how this documentation will be maintained.

11. Asset Management: The municipality shall incorporate an Asset Management Plan as part of its overall O&M Program. This plan shall include an infrastructure inventory with infrastructure repair/replacement needs listed and scheduled according to priority/criticality, that ensures that the entire collection system owned/operated by the municipality that conveys flows to the host wastewater treatment plant is perpetually and proactively managed with the appropriate resources (capital, staffing, training, supplies, equipment) allocated in the municipality's budget, as prepared and submitted to the New Jersey Department of Community Affairs.

12. Emergency Procedures: The municipality shall also include in the O&M Program and corresponding Manual, an Emergency Plan, in accordance with N.J.A.C. 7:14A-6.12(d). The Emergency Plan shall provide for, to the maximum extent possible, uninterrupted treatment works operation during emergency conditions using in-house and/or contract based services. The Emergency Plan shall include SOPs, which ensure the effective operation of the treatment works under emergency conditions, such as extreme weather events (including 100 and 500 year storm events) and extended periods of no power, (e.g., 7 days and 14 days).

13. Updating O&M Manual: Provide a description of regular O&M manual reviewing and updating. At a minimum, the O&M manual shall be updated annually, in accordance with N.J.A.C. 7:14A-6.12, to reflect updated information and changes in the characterization, design, construction, operations, maintenance, Emergency Plan, and all applicable SOPs and shall include all required verification that the O&M Program and corresponding Manual has been prepared and updated in accordance with the submittal requirements of the municipality's NJDEP-issued permit.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 24 2013

RECEIVED

OCT 15 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Article Number: 7005 3110 0000 5952 5043

TOWN CLERK
GUTTENBERG, NJ

Mr. Charles P. Daglian
Town Attorney
Town of Guttenberg
Municipal Building
6808 Park Avenue
Guttenberg, New Jersey 07093

Re: **Administrative Docket No. CWA-02-2013-3030**
Town of Guttenberg, NJPDES Authorization No. NJG0108715
Clean Water Act Compliance Order and Information Request

Dear Mr. Daglian:

This letter is in response to the time extension request submitted to the United States Environmental Protection Agency ("EPA") by the Town of Guttenberg ("Town") concerning the above referenced administrative action. On August 19, 2013, EPA issued an Information Request and Administrative Compliance Order to the Town. The Information Request and Administrative Compliance Order were received by the Town on August 23, 2013. Pursuant to the Information Request and Administrative Compliance Order, the Town is obligated to submit certain documents to EPA.

Based on the Town's September 12, 2013 letter, EPA approves the City's time extension request as follows:

- a) February 19, 2014: Town will submit an up-to-date Facility Inventory and Assessment Analysis.
- b) May 20, 2014: Town will submit a revised Operations and Maintenance ("O & M") Plan to EPA (Note: Concerning the O & M Plan due date, please disregard the 90 (ninety) day time frame associated with Ordered Provision #2. EPA expects the Town to DEVELOP an adequate O & M Plan and manual(s) and for the Town to submit the O & M Plan and manual(s) to EPA within 180 days of the AO's receipt for EPA's review and approval, as required by Ordered Provision #3.).
- c) February 19, 2014: Town will submit a prioritized list of combined sewer system projects and an implementation schedule to EPA.

EPA expects that the Town will submit quarterly reports as outlined in the COIR. The first is due to be submitted on January 31, 2014.

Should you have any questions concerning this letter or wish to further discuss the COIR, please feel free to contact me at (212) or 637-4244 or have your staff contact Mr. Larry Gaugler of my staff at (212) 637-3950.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'D. McKenna', with a long horizontal flourish extending to the right.

Douglas McKenna, Chief
Water Compliance Branch

cc: Marcedius Jameson, NJDEP

TOWN OF GUTTENBERG

DISCLOSURE OF OWNERSHIP FORM

N.J.S.A. 52:25-24.2 reads in part that “no corporation or partnership shall be awarded any contract by the State, County, Municipality or School District, or any subsidiary or agency thereof, unless prior to the receipt of the submission of the corporation or partnership, there is provided to the public contracting unit a statement setting forth the names and addresses of all individuals who own 10% or more of the stock or interest in the corporation or partnership”.

- 1. If the professional service entity is a *partnership*, then the statement shall set forth the names and addresses of all partners who own a 10% or greater interest in the partnership.**
- 2. If the professional service entity is a *corporation*, then the statement shall set forth the names and addresses of all stockholders in the corporation who own 10% or mor of its stock of any class.**
- 3. If a corporation owns all or part of the stock of the corporation or partnership providing the submission, then the statement shall include a list of the stockholders who own 10% or more of the stock of any class of that corporation.**
- 4. If the professional service entity is other than a corporation or partnership, the contractor shall indicate the form of corporate ownership as listed below.**

COMPLETE ON THE FOLLOWING STATEMENTS:

- 1. Stockholders or Partners owning 10% or more of the company providing the submission:**

Name:

Address:

SIGNATURE: _____ DATE: _____

II. No Stockholder or Partner owns 10% of more of the company providing this submission:

SIGNATURE: _____ **DATE:** _____

III. Submission is being provided by an individual who operates as a sole proprietorship:

SIGNATURE: _____ **DATE:** _____

IV. Submission is being provided by a corporation or partnership that operates as a (check one of the following):

_____ **Limited Partnership** _____ **Limited Liability Corporation**

_____ **Limited Liability Partnership** _____ **Subchapter S Corporation**

SIGNATURE: _____ **DATE:** _____

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Except with respect to affectional or sexual orientation, the contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates or pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this non-discrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex.

The contractor or subcontractors, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor and subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor and subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals established in accordance with N.J.S.A. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.S.A. 17:27-5.2.

The contractor and subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, or sex, and that it will discontinue to use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor and subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

TOWN OF GUTTENBERG

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY :
: SS.
COUNTY OF HUDSON :

I, _____ of the _____
of _____, in the County of _____ and
the State of New Jersey, of full age, being duly sworn according to law on my oath depose and
say that:

I am _____

of the firm of _____
the Professional Service Entity making the submission for the above named Service, and that I
executed the said submission with full authority to do so; that the Professional Service Entity
has not, directly or indirectly, entered into any agreements, participated in any collusion, or
otherwise taken any action in restraint of fair and open competition in connection with the
above named Service; and that all statements contained in said submission and in this affidavit
are true and correct, and made with full knowledge that the Town of Guttenberg relies upon
the truth of the statements contained in said submission and in the statements contained in this
affidavit in awarding the contract for said Service.

I am further warrant that no person or selling agency has been employed or retained to solicit
or secure such contract upon an agreement or understanding for a commission, percentage,
brokerage or contingent fee.

Subscribed and sworn to before me
this _____ day of _____, 2013

Notary Public
State of _____
My Commission Expires _____

(Signature or Professional)

(Type or print name of Affiant and Title
under signature)