

**TOWNSHIP OF WARREN
RESOLUTION NO. 2022-185**

**APPROVE SETTLEMENT WITH THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION FOR DPW FACILITY**

WHEREAS, Warren Township owns and/or operates a Department of Public Works (“DPW”) fueling station at 1 Bardy Road within the Township of Warren; and

WHEREAS, the DPW maintains on-site “under underground storage tank (“UST”) systems” as defined by N.J.A.C. 7:14B-1.6, consisting of one (1) 10,000 gallon unleaded gasoline UST, one (1) 10,000 gallon medium diesel fuel UST, and associated appurtenances pursuant to UST Registration ID# 025712; and

WHEREAS, pursuant to N.J.A.C. 7:14B-1.6, all grades of gasoline and diesel fuel are defined as “Motor Fuel” which are further defined as “Hazardous Substances”; and

WHEREAS, the DPW also maintains a general permit (004B) issued and effective August 6, 2021 which will expire on August 6, 2026 (Air Permit ID# H3528); and

WHEREAS, as a result of a compliance evaluation conducted on April 16, 2021, the Department of Environmental Protection (the “DEP”) determined that Warren Township failed to comply with various compliance requirements relative to the UST’s mentioned above; and

WHEREAS, after lengthy negotiations with the DEP relative to the compliance requirements relative to the UST’s, a Settlement Agreement (the “Settlement Agreement”) was prepared and sent for execution by the DEP on May 24, 2022 but not received by the DPW Director until June 10, 2022; and

WHEREAS, the DEP gave the Township 15 days from receipt of the Settlement Agreement to review and sign the same; and

WHEREAS, there was insufficient time for the Township Attorney, the Township Administrator and DPW Director to review and approve the Settlement Agreement in time for action at the Township Committee’s meeting of June 16, 2022; and

WHEREAS, in light of the time constraints imposed by the DEP, it was decided to have the Settlement Agreement signed and returned to the DEP by the Mayor and to ratify and confirm his actions at the Township Committee’s meeting of July 21, 2022.

NOW THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Warren, in the County of Somerset and State of New Jersey, does hereby ratify the actions taken by the Mayor (in consultation with the Township Administrator, Township Attorney and DPW Director) to execute and return the Settlement Agreement with the DEP; and

BE IT FURTHER RESOLVED, that once the Settlement Agreement is returned by the DEP, the Chief Financial Officer is authorized to sign any DEP-generated invoice to pay the \$17,500 penalty imposed by the DEP for UST compliance.; and

BE IT FURTHER RESOLVED, that the Township Administrator and the DPW Director are hereby authorized to take all appropriate actions to implement the DEP UST compliance requirements.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		MAZIARZ	X			
X		MARION	X			
	X	LAZO	X			
		DINARDO	X			
		SORDILLO	X			

CERTIFICATION

I, Cathy Reese, Township Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of the Township Committee held on July 21, 2022.

Cathy Reese, RMC
Township Clerk