

**NORTH HUDSON SEWERAGE AUTHORITY
WASTEWATER SERVICE CHARGE RESOLUTION**

MOTIONED BY: Raia
SECONDED BY: Rivera

WHEREAS, the North Hudson Sewerage Authority (hereinafter "Authority") is a public body, duly formed under the Sewerage Authorities law, constituting Chapter 138 of the Laws of New Jersey of 1946, as amended (Chapter 14A of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, this is a resolution establishing User Charges and Facilities Charges (Wastewater Service Charges) funds needed to pay for operation and maintenance expenses associated with the Authority's waste water treatment works and operation and maintenance of the Authority's sewer collection, transportation, solids control and disposal systems in the cities of Hoboken and Union City and the Towns of Weehawken and West New York; and

WHEREAS, the Authority has established proportionate User Charges that places the cost of abatement directly on the sources of pollution, conserves potable water, and maintains financial self-sufficiency; and

WHEREAS, the Authority has established Facilities Charges in conformance with Federal Law; and

WHEREAS, the Authority must pay the operation, maintenance and debt service expenses associated with the said treatment and sewer works and charge the users of said treatment and sewer works accordingly.

NOW, THEREFORE, BE IT RESOLVED by the AUTHORITY that the following Wastewater Service Charges are established effective immediately.

ARTICLE I

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Cities of Hoboken and Union City and Towns of Weehawken and West New York to collect charges from all users therein who contribute or may contribute waste water to the Hoboken, West New York, North Bergen and PVSC treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public waste water treatment works and Authority sewer systems.

ARTICLE II

Unless the context specifically indicates otherwise, the meaning of terms used in this resolution shall be as follows:

- Section 1:** "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter mg/L).
- Section 2:** "Normal Domestic Waste water" shall mean waste water that has a BOD concentration of not more than 250 mg/L, a suspended solids concentration of not more than 190 mg/L and an MBAS concentration of not more than 100 mg/L and a FOG concentration of not more than 50mg/L.
- Section 3:** "Operation and Maintenance" shall mean those functions that result in expenditures during the useful life of the treatment and sewer works for materials, labor, utilities and other items which are necessary for managing and which such works were designed and constructed. The term "operation and maintenance" includes replacement and rehabilitation as defined in Section 4.
- Section 4:** "Replacement and Rehabilitation" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment and sewer works to maintain the capacity and performance for which such works were designed and constructed.
- Section 5:** "Residential User" shall mean any contributor to the city's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.
- Section 6:** "Commercial User" shall mean all retail stores, restaurants, office buildings, laundries and other private business and service establishments.
- Section 7:** "Industrial User" shall include any non-governmental, non-residential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry and Fishing, Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary, and Division I-Services.
- Section 8:** "Institutional User" shall include social, charitable, religious and education activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

- Section 9:** "Governmental User" shall include legislative, judicial, administrative and regulatory activities of Federal, State and local governments.
- Section 10:** "Shall" is mandatory; "May" is permissive.
- Section 11:** "SS" (denoting Suspended Solids) shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
- Section 12:** "Treatment Works" shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems and its appurtenances, pumping, power and other equipment and their appurtenances; extension improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated waste water in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.
- Section 13:** "Useful Life" shall mean the estimated period during which a treatment and sewer works will be operated.
- Section 14:** "User Charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner and based upon water billings for the cost of debt service, operation, maintenance and replacement of the waste water treatment works and Authority's sewer collection, transportation, solids control and disposal systems.
- Section 15:** "Water Meter" shall mean a water volume measuring and recording device, furnished and/or installed by a user or water utility and approved by the United Water Company or Hoboken Water Services.
- Section 16:** "Facilities Charge" shall mean that portion of the total waste water service charge which is levied in a manner pursuant to regulations of the United States Environmental Protection Agency, 40 CFR 35.2140(e)(iii), for the costs of operation and maintenance for all flow not directly attributable to users based on the number of service units for each account or service hookup for each user.

Section 17: “Service Unit” shall mean a residential dwelling unit such as a single-family home, duplex unit, townhouse, condominium, apartment, transient dwelling units; each three thousand (3,000) square feet or part thereof, of every commercial, industrial, governmental, educational or institutional user.

Section 18: “Methylene Blue Active Substances” (MBAS) shall mean those substance measured by acid extractions in chloroform and measured by a spectrophotometer at 652nm.

Section 19: “Fats, Oil and Grease” (FOG) shall mean those substances extracted from water by organic solvents through one of the methods outlined in *Standard Methods For The Examination of Water & Wastewater, 18th Edition*, Method 5520.

ARTICLE III

Section 1: The revenues collected, as a result of the Wastewater Service Charges levied, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund.

Section 2: Fiscal year-end balances in the operation, maintenance, and replacement fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The Wastewater Service Charges shall be adjusted such that the transferred monies will be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

ARTICLE IV

Section 1: Each user shall pay for the services provided by the Authority based on his use of the treatment works as determined by water meter readings (or other appropriate methods) acceptable to the Authority.

Section 2: A) For residential, industrial, institutional and commercial users, quarterly User Charges will be based on actual water usage. If a residential, commercial, institutional, or industrial user has a consumptive use of water, or, in some other manner, uses water which is not discharged into the waste water collection system, the User Charge for that contributor may be based on readings of a waste water meter(s) or separate water meter(s) installed and maintained at the user's expense.

B) For users participating in the Budget Payment Plan, monthly bills will be processed with the charges for the first two months of the quarter based on water consumption that is equal to one-third (1/3) of the water consumption for the

previous quarter. The third monthly bill of each quarter would be adjusted, if necessary, based on actual or estimated water consumption reported for the processing of sewer charges for the current quarter. A service charge of \$2.00 per month will be added to each monthly bill to cover the added cost of processing, printing and postage.

Section 3: Each user shall pay a User Charge rate for operation and maintenance including replacement, of \$6.73 per 1000 gallons of water, with a minimum \$40.80 charge per quarter for up to the first 6,000 gallons.

Section 4: Each user shall pay a Facilities Charge of \$8.00 per year for each residential, commercial or industrial Service Unit per account or service hookup.

Section 5: For those users whose waste water has a greater strength than normal domestic sewage, a surcharge in addition to the normal User Charge, will be collected. The surcharge for operation and maintenance including replacement is:

\$ 0.6372 per pound BOD
\$ 0.9035 per pound SS
\$ 0.1370 per pound MBAS
\$ 0.9035 per pound of FOG

Section 6: Any user which discharges any toxic pollutants (as defined in the Sewer Use Resolution) which cause an increase in the cost of managing the effluent of the sludge from the Authority's or other treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the appropriate financial personnel and approved by the Authority.

Section 7: The Wastewater Service Charges established in this article apply to all users of the Authority's treatment works and those treatment works which service Hoboken, Union City, Weehawken and West New York.

ARTICLE V

Section 1: The User Charge calculated above shall be billed on a quarterly basis and due respectively on the following dates of the year, based upon water billings for the preceding quarter year: February 1, May 1, August 1 and November 1. The Facilities Charge calculated above shall be billed on a quarterly basis and due respectively on the following dates of the year: February 1, May 1, August 1 and November 1.

Section 2: In the event that the unit is sold or otherwise disposed of, the amounts due for the

remaining quarter shall be billed to the new owner and shall be due in accordance with the dates above.

Section 3: Bills not paid within twenty-five (25) days from the due date as indicated above shall be subject to interest, at the rate of one and a half per cent (1-1/2%) a month, compounded annually, which shall accrue from the due date above. The Authority shall also have a right to sell its lien on the unpaid balance and accrued interest thereon in accordance with the provisions of the applicable statutes.

ARTICLE VI

All users contributing more than 36,000 gallons per month and whose water strength is greater than 250 mg BOD/L, 190 mgSS/L or 100 mg MBAS/L shall prepare and file with the Authority a report that shall include pertinent data relating to the waste water characteristics, including the methods of sampling and measurement to obtain these data. These data shall be used to calculate the User Charge for that user. The Authority shall have the right to gain access to the waste stream and take its own samples. Should the Authority do so and should the results be substantially different as determined by the Authority from the data submitted by the user, the User Charge for that user shall be revised for the next billing cycle period.

ARTICLE VII

Section 1: Any user who feels his Wastewater Service Charges is unjust and inequitable may make written application to the Authority requesting a review of his charges. Said written request shall, where necessary, show the actual or estimated average flow, service units, unit areas and or strength of his waste water in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

Section 2: Review of the request shall be made by the Authority and if substantiated, the Wastewater Service Charges for that user shall be computed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle period.

ARTICLE VIII

Section 1: The Authority will review the Wastewater Service Charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

Section 2: The Authority will notify each user at least annually of the rate being charged for operation, maintenance including replacement of the treatment works.

USER CHARGE RESOLUTION 09-123

ARTICLE IX

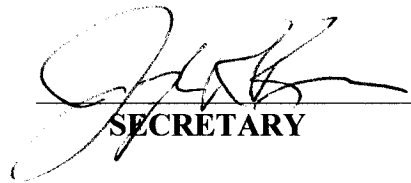
Section 1: Any user, 65 years of age or older or totally and permanently disabled, who owns and resides in a unit as defined herein, shall be eligible for an exemption from the annual facilities charge.

DATED: JANUARY 21, 2010

RECORD OF COMMISSIONERS' VOTE

	YES	NO	ABSENT
Commissioner Lopez	x		
Commissioner Marotta	x		
Commissioner Raia	x		
Commissioner Rivera	x		
Commissioner Schaffer	x		
Commissioner Schroeder	x		
Commissioner Spaccavento	x		
Commissioner Stack	x		
Commissioner Wolff	x		

THIS IS TO CERTIFY THAT THIS RESOLUTION WAS DULY ADOPTED BY THE NORTH HUDSON BOARD OF COMMISSIONERS ON JANUARY 21, 2010.


SECRETARY