

TOWNSHIP OF MAPLEWOOD



RESOLUTION NO. 153-14

**RESOLUTION
IN SUPPORT OF S-444 & A-1779,
WHICH WILL AMENDS
THE NJ SPILL ACT AND PROVIDE TAXPAYER PROTECTION**

WHEREAS, in 2005 the State of New Jersey (“State”) and the New Jersey Department of Environmental Protection (“NJDEP”) commenced a civil litigation against a series of corporations that the NJDEP determined to be responsible for contamination of specific areas of the Passaic River, entitled New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, et al, bearing Docket No. ESX-L-9868-05, in the Superior Court of New Jersey, Law Division, Essex County (the “Litigation”); and

WHEREAS, the Litigation was expanded by the corporate defendants to include multiple municipal entities and municipal utilities and sewer entities as third party defendants (“Municipal Entities”) under the theory that said Municipal Entities contributed to the contamination of the Passaic River via the discharge of wastewater directly or indirectly through wastewater treatment facilities; and

WHEREAS, in all a total of 71 municipalities, 6 municipal wastewater and 9 State entities were named as third party defendants and brought into the Litigation; and

WHEREAS, despite the fact that the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 (the “Act”), specifically excludes wastewater stating “. . .sewage and sewage sludge shall not be considered as hazardous substances. . .” for purposes of the Act, the Municipal Entities were not permitted to be dismissed from the Litigation; and

WHEREAS, the Municipal Entities engaged in settlement negotiations with the State with the intent of developing a resolution of the Litigation such that the Municipal Entities could be released from the process through the entry of a Consent Judgment; and

WHEREAS, pursuant to the terms of the Consent Judgment, each of the Municipal Entities was required to pay, and did pay, to the State, either as a cash payment or as a deduction in property tax relief funding, an amount equal to \$95,000 on or before March 23, 2013; and

WHEREAS, S-444 and A-1779 have been introduced and will amend the New Jersey Spill Compensation and Control Act to specifically state that any domestic, commercial, or industrial wastewater, sewage, or sewage sludge expelled or released from a public sewer system or a public sewage treatment plant, are exceptions from the Spill Act; and

WHEREAS, S-444 and A-1779 will clarify the intent of the Legislature and will assure that taxpayers will not be held liable in similar circumstances going forward.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that:

1. The Township of Maplewood supports S-444 and A-1779 as a means to clarify the intent of the State Legislature and to provide that taxpayers will not be held liable in such circumstances going forward; and
2. The Township Clerk be and is hereby directed to forward a copy of this Resolution to Governor Chris Christie, President of the New Jersey Senate, the Speaker of the New Jersey Assembly, Senator Richard Codey, Assembly Persons: Mila Jasey and John McKeon.

I, Elizabeth J. Fritzen, Township Clerk of the Township of Maplewood, in the County of Essex and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, at a regular meeting of said Committee held on August 5, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Township of Maplewood in the County of Essex and State of New Jersey, on this 5th day of August 2014.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk