

Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Committee on Transportation and Infrastructure

Subcommittee: Water Resources and Environment

Hearing Date: 09/20/2022

Hearing Title :

The Clean Water Act at Fifty: Highlights and Lessons Learned from a Half Century of Transformative Legislation

Witness Name: Michael D. Witt

Position/Title: General Counsel, Passaic Valley Sewerage Commission

Witness Type: Governmental Non-governmental

Are you representing yourself or an organization? Self Organization

If you are representing an organization, please list what entity or entities you are representing:

National Association of Clean Water Agencies

FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

National Association of Clean Water Agencies - Board of Directors
Passaic Valley Sewerage Commission - General Counsel

Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you, the organization(s) you represent, or entities for which you serve as a fiduciary have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.

Please see attached

Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you, the organization(s) you represent, or entities for which you serve as a fiduciary have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.

Not applicable.

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(iii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

False Statements Certification

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



Witness signature



Date

PASSAIC VALLEY SEWERAGE COMMISSION
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
 Year Ended December 31, 2021

Federal Department/Program Title/Project Title	Federal CFDA Number	Pass-through Grant Number	Grant Period	Award Amount	Current Year's Expenditures	Subrecipient Expenditures	2021 Cumulative Expenditures
U.S. Department of Environmental Protection:							
Passed through New Jersey Department of Environmental Protection Division of Water Quality:							
<i>Clean Water State Revolving Fund Cluster</i>							
Capitalization Grants for Clean Water State Revolving Funds							
2006 Wastewater Fund Loan	66.458	S340-689-01/03/10	11/9/2006-8/1/2026	\$ 24,183,900	\$ 913,396	\$ -	\$ 24,679,257
2018A Wastewater Fund Loan	66.458	S340689-34	11/29/2018-8/1/2038	682,481	-	-	682,481
2020A Wastewater Fund Loan (25)	66.458	S340689-25	5/13/2020-8/31/2039	1,772,537	-	-	1,772,537
2020A Wastewater Fund Loan (31)	66.458	S340689-31	5/13/2020-8/31/2039	2,131,553	-	-	2,043,876
2020A Wastewater Fund Loan (39)	66.458	S340689-39	5/13/2020-8/31/2039	2,524,673	-	-	2,524,673
Construction Loan Program:							
CSO Long-Term Control Plan	66.458	S345200-01	Project length	6,682,704	-	-	5,940,594
Asset Management Plan	66.458	S345200-02	Project length	411,824	3,749	-	411,824
Sump Pump & Generator Relocation	66.458	S340689-30	Project length	322,595	17,705	-	322,595
Newark Bay Outfall Dechlorination	66.458	S340689-32	Project length	4,861,422	48,854	-	4,861,422
Headworks & Substation M Reconstruction	66.458	S340689-37	Project length	89,309,326	7,324,286	-	7,324,286
Rehabilitation of Final Clarifiers	66.458	S340689-38	Project length	11,331,738	3,565,951	-	11,331,738
Rehabilitation of Final Clarifiers	66.458	S340689-38	Project length	1,360,910	1,360,910	-	1,360,910
Sludge Storage Tank Improvements	66.458	S340689-45	Project length	4,489,566	1,140,062	-	3,830,930
Decant Facility Improvements	66.458	S340689-46	Project length	32,092,019	2,938,038	-	2,938,038
Acquisition of Mobile Crane	66.458	S340689-48	Project length	579,705	-	-	579,705
Vehicle Maintenance Facility Improvements	66.458	S340689-50	Project length	3,050,997	-	-	-
Subtotal Clean Water State Revolving Fund Cluster				185,798,028	17,312,950	-	70,604,865
Total U.S. Department of Environmental Protection				185,798,028	17,312,950	-	70,604,865
U.S. Department of Homeland Security:							
Passed through New Jersey Department of Law and Public Safety							
Disaster Grants - Public Assistance (Presidentially Declared Disaster)							
FEIMA Disaster - Public Assistance	97.036	066-1200-100-A92	Project length	503,057,719	96,508,690	-	287,854,009
Total U.S. Department of Homeland Security				503,057,719	96,508,690	-	287,854,009
Total Federal Expenditures				\$ 688,855,747	\$ 113,821,640	\$ -	\$ 358,458,874

See notes to schedules of expenditures of federal awards and state financial assistance.

MICHAEL D. WITT, ESQ.

EXPERIENCE
January 2019 – Present

Passaic Valley Sewerage Commission, Newark, New Jersey
General Counsel

Responsible for overseeing all legal needs for fifth-largest publicly-owned wastewater reclamation facility in the United States. Duties include environmental and regulatory issues, collective bargaining, employment discrimination, regulatory enforcement, claims under the New Jersey Tort Claims Act, public contracting, New Jersey Open Public Records Act, New Jersey Open Public Meetings Act, and community relations. Work extensively with PVSC's Operations Department in all matters concerning PVSC's National Pollutant Discharge Elimination System permit. Member of control group for long term control planning for combined sewer overflows and Diamond Alkali Superfund matter. Represent PVSC in proceedings before the United States Environmental Protection Agency, the New Jersey Department of Environmental Protection, Federal and State Courts, United States Equal Employment Opportunity Commission, New Jersey Public Employment Relations Commission. Liaison with Congressional Delegation representing PVSC's Treatment District. Serve as PVSC's Ethics Liaison Office and as a member of PVSC's Budget, Capital Planning, Hiring, Risk Analysis, Strategic Planning, and Succession Planning Committees. Draft Personnel Policies and Procedures Manual.

December 2004 –
January 2019

Chasan Lamparello Mallon & Cappuzzo, P.C., Secaucus, New Jersey
Partner

Primarily represent Passaic Valley Sewerage Commission in a variety of matters including: federal and state wastewater regulatory compliance, development of revisions to agency Rules & Regulations, preparation of resolutions, development of regulatory compliance schedule, regulatory enforcement, land use, employment matters and complex commercial litigation. Also represent municipal and county clients in environmental matters concerning land use and redevelopment, general and complex civil litigation matters and appellate proceedings, election matters, general government law, and Open Public Records Act requests and litigation; intellectual property matters.

May 2003 –
December 2004

Law Offices of Gabriel M. Ambrosio, Esq., Lyndhurst, New Jersey
Of Counsel

Responsible for coordination of multi-firm litigation team for prosecution of environmental enforcement action and defense of complex commercial litigation claims against the Passaic Valley Sewerage Commission and all aspects of prosecution of the same.

September 1999 –
May 2003

Graham Curtin & Sheridan, P.A., Morristown, New Jersey
Associate Attorney

Responsible for all aspects of complex commercial litigation, general civil litigation and personal injury defense litigation matters. Substantial experience in federal and state environmental regulatory matters, commercial tenant-landlord matters, corporate litigation matters, employment litigation matters, estate litigation matters, and commercial and residential real estate litigation matters.

September 1995 –
August 1999

Thompson & Associates, P.A., Lawrence, Kansas
Associate Attorney

Responsible for all aspects of civil litigation in state and federal courts, including solo jury trial experience. Experience in insurance matters, including coverage issues and bad faith claims; intellectual property matters, including software and technology licensing and trademark protection; corporate matters; and tenant- landlord matters.

BAR ADMISSIONS

Supreme Court of the United States, 2015
United States Court of Appeals for the
District of Columbia, 2015
United States District Court for the
District of Columbia, 2015
United States Court of Appeals for the
Third Circuit, 2012
Supreme Court of New Jersey, 2000
United States District Court for the
District of New Jersey, 2000
Supreme Court of Kansas, 1996
United States District Court for the
District of Kansas, 1996
Supreme Court of New Mexico, 1995
United States District Court for the
District of New Mexico, 1995

EDUCATION

University of New Mexico School of Law
Albuquerque, New Mexico
Juris Doctor, 1995

University of Colorado
Boulder, Colorado
Bachelor of Arts in Political Science, 1990

NOTABLE OPINIONS

I/M/O Michael G. Venezia; North Jersey Media Group, Inc. v. Bergen County Prosecutor's Office; Fairmount Chemical Co., Inc., v. Passaic Valley Sewerage Commissioners, In re: Curry; Baker v. Hudson County Correctional Center; State v. Saavedra

LECTURES

Barbarians at the Gate: What to Do When the Environmental Protection Agency Shows Up (The National Association of Clean Water Agencies)

Ethics Considerations for Wastewater Entity Lawyers (Panel)
(The National Association of Clean Water Agencies)

Combined Sewer Overflow Long Term Control Planning in New Jersey
(The National Association of Clean Water Agencies & New Jersey Future)

National Legal Issues in Combined Sewer Overflow Long Term Control Planning (The National Association of Clean Water Agencies)

The New Jersey Environmental Justice Law – Planning for Our Future
(New Jersey Water Environment Association)

Responding to Clean Water Act Regulatory Enforcement Requests for Information (New Jersey Water Environment Association)

COVID-19 and Public Contracting (New Jersey Institute of Continuing Legal Education)

The Future of the New Jersey Open Public Records Act and the New Jersey Open Public Meetings Act (New Jersey Institute of Continuing Legal Education)

The New Jersey Open Public Records Act in a (Large) Nutshell (New Jersey Institute of Continuing Legal Education)

The New Jersey Open Public Meetings Act (New Jersey Institute of Continuing Legal Education)

Ethics for Government Entity Lawyers (New Jersey Institute of Continuing Legal Education)

Labor Law for Local Government Attorneys (New Jersey Institute of Continuing Legal Education)

Professional Development – Ethics and OPRA (Somerset County Clerks Association)

Ethics for Engineers (New Jersey Water Environment Association)

Ethics for Local Government Employees (New Jersey Institute of Continuing Legal Education)

Ethics for Local Government Employees (Bergen County Clerks Association)

ASSOCIATIONS

National Association of Clean Water Agencies
Board of Directors, 2021 – Present
Member, 2013 – Present
Editorial Board, Wet Weather Consent Decree Handbook
Legal Affairs Committee Member

Wet Weather Partnership
President, 2022 – Present
Member, 2018 – Present

New Jersey State Bar Association, 2008 – Present
Chairman, Local Government Law Section, 2015 – 2017
Board of Directors, Local Government Law Section, 2011 – Present
Committee on Continuing Legal Education, 2013 – 2017
Committee on Renewable Energy, Cleantech, and Climate Change, 2013 – Present

State of New Jersey Office of Attorney Ethics
Member, District VI Attorney Ethics Committee, 2011 – 2018

New Jersey Institute of Local Government Attorneys, 2011 – Present

Borough of Bound Brook Planning/Zoning Board
Chairman, 2012 – Present
Member, 2010 – Present

New Jersey Association of Environmental Agencies
Member, 2013 – Present

Hudson County Bar Association, 2004 – Present

Justice Stewart G. Pollack Environmental American Inn of Court
Member, 2005 – 2008

Kansas Bar Association, 1996 – 1999

Douglas County (Kansas) Bar Association, 1996 – 1999
Secretary/Treasurer, Young Lawyers Section 1998 – 1999
Law Day Planning Committee, 1998, 1999

Judge Hugh Means American Inn of Court, 1998 – 1999

American Trial Lawyers Association, 1996 – 2001

American Bar Association, 1992 – 2019