



Board of County Commissioners

Administrative Committee

A RESOLUTION IN OPPOSITION TO THE REASSIGNMENT BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OF ALL MUNICIPALITIES CURRENTLY DESIGNATED TIER B UNDER THE MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT PROGRAM TO TIER A DESIGNATION AND EXPANSION OF TIER A PERMIT CONDITIONS

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has undertaken efforts to reassign to 'Tier A' designation under the Municipal Separate Storm Sewer System Permit Program (MS4 Permit Program) all New Jersey Municipalities currently designated 'Tier B'; and

WHEREAS, compliance with the MS4 Permit Program for a Municipality designated Tier A is far more costly and more onerous than compliance for a Municipality designated Tier B; and

WHEREAS, under the existing designation system, the Tier B designation was specifically created for Municipalities that are located in more rural areas and non-coastal regions, while Tier A designation was created for Municipalities that are located within the more densely populated regions of the State or along or near the coast; and

WHEREAS, many Municipalities designated Tier B under the existing designation system simply do not have the resources to comply with Tier A designation; and

WHEREAS, the NJDEP, while attempting to reassign all Municipalities to Tier A, is simultaneously proposing to renew the Tier A MS4 General Permit to include additional conditions on municipal permit holders; and

WHEREAS, the NJDEP is asking current Tier B Municipalities to come into compliance with both existing Tier A requirements and a set of still unfinalized Tier A renewal requirements on practically the same schedule as existing Tier A Municipalities; and

WHEREAS, the State, however well intended in its actions, continues to saddle Municipalities with additional responsibilities through unfunded and underfunded mandates, putting additional burdens on property taxpayers; and

WHEREAS, the reassignment by the NJDEP to Tier A designation for all New Jersey Municipalities currently designated Tier B will result in a redistribution of these municipalities limited resources, away from their crucial government functions; and

WHEREAS, the County of Salem supports taking action to better protect and improve the quality of its own waterways, as well as waterways throughout the State but efforts to do so must be balanced against other critical needs with consideration for the limited resources of County and Municipal Government.

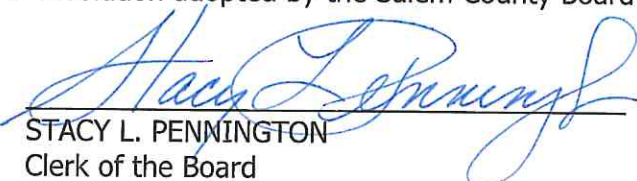
NOW, THEREFORE, BE IT RESOLVED, by the Salem County Board of County Commissioners, in State of New Jersey as follows:

1. The County of Salem hereby urges the members of the New Jersey Assembly and Senate to support, co-sponsor, and adopt legislation that would prevent the NJDEP from reassignment Tier A designation under the MS4 Permit Program for New Jersey Municipalities that are currently designated Tier B, and also prevent the NJDEP from expanding conditions of the Tier A permit until a full analysis of the fiscal impact these changes will have on these Municipalities can be completed, and State funding is made available.
2. The County of Salem hereby urges Governor of the State of New Jersey to sign any legislation adopted by the State Assembly and Senate that would prevent the NJDEP from reassignment Tier A designation under the MS4 Permit Program for NEW Jersey Municipalities that are currently designated Tier B, and also prevent the NJDEP from expanding conditions of the Tier A permit until a full analysis of the fiscal impact these changes will have on these Municipalities can be completed, and State funding is made available.
3. A certified copy of this resolution upon its adoption shall be furnished to the District 3 Representatives and State Senator, Governor Phil Murphy, the Commissioner of the New Jersey Department of Environmental Protection, and the New Jersey State League of Municipalities.



 BENJAMIN H. LAURY, Director of the
 Board of County Commissioners

I hereby certify the foregoing to be a true resolution adopted by the Salem County Board of County Commissioners on November 2, 2022.



 STACY L. PENNINGTON
 Clerk of the Board

RECORD OF VOTE

COMMISSIONER	RESOLUTION MOVED	RESOLUTION SECOND	AYE	NAY	ABSTAIN	ABSENT
G. Ostrum, Jr.	✓		✓			
E. Ramsay			✓			
L. Ware		✓	✓			
R.S. Griscom			✓			
B. Laury			✓			

✓ Indicates Vote

Department Initials slp