

**TOWNSHIP OF CHESTERFIELD
RESOLUTION #2022-10-13**

**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 costlier 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 TOWNSHIP OF CHESTERFIELD 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 limit resources of municipal government.

NOW, THEREFORE, BE IT RESOLVED, by the TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHESTERFIELD, in the County of BURLINGTON, and the State of New Jersey as follows:

1. The TOWNSHIP OF CHESTERFIELD hereby urges the members of the New Jersey Assembly and Senate to support, co-sponsor, and adopt legislation that would prevent the NJDEP from reassigning to Tier A designation under the MS4 permit program 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 TOWNSHIP OF CHESTERFIELD hereby urges the Governor of State of New Jersey to sign any legislation adopted by the State Assembly and Senate which would prevent the NJDEP from reassigning to Tier A designation under the MS4 permit program 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 Assemblymen Robert Clifton and Alex Sauickie, Senator Samuel Thompson, Governor Phil Murphy, the Commissioner of the New Jersey Department of Environmental Protection, and New Jersey State League of Municipalities.

CHESTERFIELD TOWNSHIP COMMITTEE

~~~~~                      ~~~~~                      ~~~~~

I, Caryn M. Hoyer, Clerk of the Township of Chesterfield in the County of Burlington and State of New Jersey do hereby certify the foregoing Resolution to be a true and accurate copy of the Resolution approved by the Township Committee at a duly advertised meeting held on October 27, 2022 at which a quorum was present.

\_\_\_\_\_  
Caryn M. Hoyer, RMC  
Township Clerk