

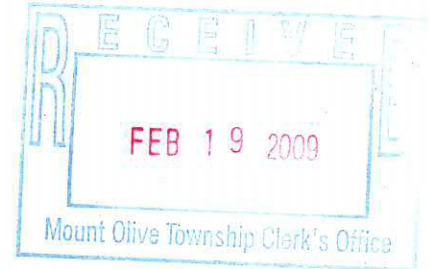
(c)

C. Adams

**Board of Chosen Freeholders  
Morris County, New Jersey**

Resolution No. 20

Adopted February 11, 2009



WHEREAS, on May 21, 2007, the New Jersey Department of Environmental Protection (NJDEP) proposed significant revisions to the Water Quality Management Planning Rules, N.J.A.C. 7:15-1 et seq., (Rules), which at N.J.A.C. 7:15-5.4 designate the county board of chosen freeholders as the responsible entity for the wastewater management plan for all of the county; and

WHEREAS, Freeholder Director Nordstrom, in a letter dated April 23, 2008 to Lawrence Baier, Director, NJDEP Division of Watershed Management, stated that the County of Morris was accepting the responsibility to create a county wastewater management plan; and

WHEREAS, the adopted Water Quality Management Rules were published in the New Jersey Register on July 7, 2008 and the County of Morris contracted with a consultant on August 13, 2008 to develop a wastewater management plan based on the Guidance Document and Rules; and

WHEREAS, since July 8, 2008, Morris County planning staff has coordinated the development of the wastewater management plan with NJDEP staff and spent several months working together to complete a draft Sewer Service Area map in cooperation with municipalities in accordance with the Rules and as directed by NJDEP staff; and

WHEREAS, on July 9, 2008, the Board of Chosen Freeholders of the County of Morris adopted Resolution No. 35, which recognizes that conformance in the Planning Area of the Highlands is voluntary; objects to any action by the Highlands Council or NJDEP that would require Planning Area municipalities and counties to adopt requirements of the Highlands Regional Master Plan where the municipalities or counties have not voluntarily conformed with the Highlands Regional Master Plan; and strongly opposes the consideration of conformance or lack of conformance in the decision of awarding a grant, loan, aid, assistance, or approving or denying a permit by any state agency or the Highlands Council; and

WHEREAS, in a letter dated September 26, 2008, Morris County planning staff provided a progress report to NJDEP stating that the County has informed municipalities in the Planning Area that they have the option of using the NJDEP Statewide nitrate dilution standard or the Highlands Regional Master plan nitrate dilution standards even if they decide not to conform to the Regional Plan; and

WHEREAS, after the completion of the draft Sewer Service Area map, Mr. Lawrence Baier, NJDEP, in a letter dated November 3, 2008, first informed County planning staff in writing that new sewer service can only be proposed within Existing Community Zones and Lake Community Sub-zones within the Highlands Planning Area; and

WHEREAS, in a subsequent letter dated December 18, 2008, Mr. Baier states that municipalities that choose to conform to the Highlands Regional Master Plan must comply with the Highlands nitrate dilution standards and those municipalities that chose not to conform will be required to use a "hybrid" Highlands nitrate dilution model that the NJDEP has not yet developed; and

WHEREAS, the NJDEP requirements in the November 3, 2008 and December 18, 2008 letters from Mr. Lawrence Baier are not found in the Water Quality Management Planning Rules (N.J.A.C. 7:15-1 et seq.) as adopted on July 7, 2008 and were not developed through the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., thus denying the public an opportunity to comment on what are essentially new rules developed by the NJDEP with input only by the Highlands Council staff and therefore a violation of due process.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Morris in the State of New Jersey as follows:

1. The County of Morris reaffirms Resolution No. 35, adopted by the Board of Chosen Freeholders of the County of Morris in the State of New Jersey on July 9, 2008 and attached hereto.
2. In developing the wastewater management plan, the County of Morris will comply with the Water Quality Management Planning Rules (N.J.A.C. 7:15-1 et seq.) as adopted on July 7, 2008 and the NJDEP Wastewater Management Plan Guidance Document.
3. The County of Morris will continue to provide the option to use the Highlands Regional Master Plan nitrate dilution standards or the Statewide nitrate dilution standard of 2.0 mg/L to Highlands Planning Area municipalities that choose not to participate in the Highlands Plan Conformance process.
4. The County of Morris will continue to use the draft Sewer Service Area map developed in conjunction with NJDEP staff for those municipalities that have not filed a Notice of Intent to conform to the Highlands Regional Master Plan.
5. Copies of this resolution are to be sent to the Governor, New Jersey Department of Environmental Protection, Highlands Council, Morris County Legislators, the seven counties within the Highlands region, and all Morris County municipalities in the Highlands area.

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Morris at a regular meeting held on February 11, 2009.

  
CLERK OF THE BOARD