

Freeholders And Raritan Township Challenge NJDEP Rule That Threatens Economic Recovery

Citing a failure to provide a meaningful economic impact statement and numerous other errors and scientific deficiencies, the Hunterdon County Board of Chosen Freeholders and Raritan Township have joined together seeking Court action to overturn the New Jersey Department of Environmental Protection's (NJDEP) recently adopted Surface Water Quality Standards rules, that both believe threatens economic recovery from the COVID-19 pandemic.

The Freeholder Board, on May 19th, approved a contract with Michael Gross of Giordano Halloran & Ciesla, as Counsel for the litigation against the NJDEP rule adopted on April 6th. The County will share the legal costs with Raritan Township.

"For NJDEP to give final adoption to this rule without a legitimate economic impact statement, which is required by law, and to do so on April 6th, less than one month into Governor Murphy's orders for an economic shut down in the state, is not justifiable. The economic environment has dramatically changed and NJDEP should have put the brakes on this new rule," Hunterdon County Freeholder Matt Holt stated.

Holt, the Board's Economic Development liaison, said, "Hunterdon County's Freeholders have long supported the protection of clean water through the preservation of over 8000 acres of open space and over 33,000 acres of farmland. Last year, while these rules were under consideration, the Board supported the more restrictive rules for fourteen of the proposed nineteen waterways.

The shame of it is, the rulemaking process was flawed. There are legitimate issues where the NJDEP rulemaking process was deficient for this to be challenged in court."

A report on the rule adoption prepared for Hunterdon County by Pilar Patterson, of the engineering consulting firm Kleinfelder Inc., and a retired twenty five year veteran of the NJDEP Water Quality Division, identified numerous issues in the rule-making and adoption process, including ten administrative and procedural deficiencies, six technical and scientific deficiencies, as well as inadequate mapping and impact statements.

Freeholder Board Director Shaun C. Van Doren said, "After nearly 25 years of public service, I would put my record as an environmentalist and my support for the protection of our natural areas, waterways, and open space in this county, up against anyone else. But for the DEP to finalize this rule just as the nation, state, county and localities were entering an economic tailspin demonstrates a total lack of awareness on their part."

"The new rules will prevent expansion of economic development opportunities because of severe limits on wastewater capacity at the Raritan Township Municipal Utility Authority's facility and will damage the County and the Township's path to economic recovery from the pandemic," according to Hunterdon County Economic Development Director Marc Saluk.

Raritan Township Mayor Jeff Kuhl stated, “We would like to thank the Freeholder Board for joining with Raritan Township in challenging the new NJDEP rule adoption. The health and prosperity of Raritan township is paramount, and we cannot sit back and let that be taken away from our residents and businesses. A viable utilities Authority is crucial to the future of our Township.”

Mr. Gross told the Freeholder Board that the notice of appeal would be filed with the NJ Appellate Division on May 20th.