

CORRESPONDENCE
NOVEMBER 10, 2025

WATER

1. 10/28/2025 Comments by Chris Dour with Larry Gindoff certification regarding NJDEP's joint consent order settlement with Dupont.

SOLID WASTE

1. 10/21/2025 emails between Brad Carney, Esq. and Stephen Bishop, Esq. representing NJAW regarding expediting the BPU application for obtaining public water at the Mt. Olive transfer station. The 10/21/2025 petition filed by NJAW is also included.
2. 11/5/2025 Letter from James Deacon to Township of Montville requesting comment regarding Dan Como & Sons request for Plan Inclusion of a mixed Class B and C recycling center.



October 28, 2025

VIA Email (DupontSettlement@dep.nj.gov) and FedEx
New Jersey Department of Environmental Protection
Legal, Regulatory and Enforcement Policy
401 East State Street, 7th Floor
P.O. Box 402
Trenton, New Jersey 08625-0402
Attn: DuPont Settlement

RE: Comments on Proposed Judicial Consent Order as to Defendants E. I. du Pont de Nemours and Company and Affiliates (collectively "DuPont")
Proposed Judicial Consent Order Approving Settlement with DuPont
In the Matter of NJDEP et al., v. E.I. Du Pont De Nemours and Company, et al.
Case No.: 1:19-CV-14766-RMB-JBC (D.N.J.)

Dear Commissioner LaTourette:

The Morris County Municipal Utilities Authority ("the Authority") respectfully submits these comments objecting to specific provisions in the subject proposed Judicial Consent Order ("JCO"), including the Release provisions outlined below, the Statewide PFAS Release and Covenant Not to Sue provision, as well as a variety of definitions that pertain to precluding Political Subdivisions of the State from bringing any PFAS Contamination claim against DuPont and its affiliated persons and entities as defined in the definition of the Released Entities ("DuPont"). These provisions contain broad language that seeks to preclude every "Government Entity" in the State of New Jersey, including the Authority, from pursuing any remedy against DuPont for damages incurred by the Authority relevant to DuPont's production, sale and release of per- and polyfluoroalkyl substances (PFAS) prior to the effective date of the JCO.

These provisions, as currently drafted, contain expansive language that purports to bind every "Government Entity" within the State of New Jersey. This includes not only state agencies but also all political subdivisions, such as counties, municipalities, regional commissions, and public authorities, encompassing the Authority, regardless of whether these entities had notice of or an opportunity to participate in the underlying litigation or settlement negotiations. The Authority had no notice before the issuance of the Public Notice published in the New Jersey Register on September 2, 2025¹, that rights of the Authority to claim damages from DuPont were in any way at risk of being permanently eliminated.

¹57 N.J.R. 9(1).

Solid Waste Disposal Obligations of the Authority

The Authority serves a critical public function of arranging for the transportation and final disposal of all solid waste generated within thirty-nine (39) municipalities of Morris County, after the solid waste is delivered to the Authority's transfer stations by independent haulers.² This responsibility involves the routine transportation and final disposal of waste to out-of-state landfill facilities located in Pennsylvania.³ Since 1988, the Authority has arranged for this transportation and has since disposed of approximately 14.4 million tons of solid waste at such landfills.⁴

Contribution Claims for Contingent Liability of the Authority for PFAS Remediation Costs at Disposal Site

As PFAS compounds are known to persist in the environment and accumulate in landfills over time, the Authority may face the possibility that one or more of these disposal sites could, in the future, be designated as federal Superfund sites under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA").⁵ If such designations occur, entities involved in the generation, arrangement, transportation, or disposal of the waste could be named as potentially responsible parties ("PRPs") and held liable for the costs of site investigation and remediation.

In such a scenario, the Authority would typically retain the right under CERCLA Sections 107(a) and 113(f) to pursue contribution or cost recovery from third parties, such as DuPont, whose products or activities contributed to the contamination, including, but not limited to, manufacturers of PFAS-containing materials. Specifically:

- **Section 107(a)(3)** of CERCLA imposes a strict and joint and several liability⁶ on any party who "arranged for disposal or treatment...of hazardous substances" at a site that later becomes the subject of a response action.⁷
- **Section 113(f)(1)** allows such a liable party to "seek contribution from any other person who is liable or potentially liable under section 9607(a)."⁸

However, the proposed JCO, through both the Release and the Covenant Not to Sue provisions, would effectively extinguish these statutory rights for the Authority and all other similarly situated entities. The JCO defines "Statewide PFAS Releasor" to include all political subdivisions of the State of New Jersey, including "authorities" such as the Authority. As a Releasor, as defined by the JCO, the Authority would be deemed to have fully released DuPont from:

² Certification of Larry Gindoff, Paragraph 3.

³ *Id.*

⁴ Certification of Larry Gindoff, Paragraph 3.

⁵ <https://www.epa.gov/pfas/pfas-explained>.

⁶ <https://www.epa.gov/enforcement/superfund-liability>.

⁷ 42 U.S.C. §9607(a)(3).

⁸ 42 U.S.C. §9613(f)(1).

“...[A]ny PFAS Claim for cost recovery or contribution, including pursuant to Section 107 or 113 of CERCLA...for the Discharge or threatened Discharge of PFAS.”

Moreover, the Statewide PFAS Release and Covenant Not to Sue provision unambiguously prohibits Releasors from initiating or supporting *any* present or future legal or administrative action against DuPont for these claims, stating that:

“...[T]he Statewide PFAS Releasors...fully and forever release all Released Entities from all Released Statewide PFAS Claims and fully discharge all Released Statewide PFAS Claims against all Released Entities.”

Immunization of DuPont for CERCLA Liability and Shift of Full Cost to the Public

The combined effect of these provisions is to immunize DuPont from future contribution actions that public entities such as the Authority may need to pursue in order to protect themselves, and ultimately, the ratepayers and taxpayers they serve, from the significant financial burdens associated with environmental cleanups involving PFAS. Importantly, this outcome would apply even in cases where DuPont-manufactured PFAS are conclusively identified as a source of contamination, and where the Authority’s only connection to the site was its statutory obligation to arrange for the transportation of solid waste generated by third parties for final disposal.⁹

This is not only inequitable but also undermines fundamental CERCLA principles, which are rooted in the notion that polluters should bear the costs of pollution (“polluter pays”). By preemptively releasing DuPont from all future CERCLA-based claims by public entities, the State risks shifting those financial and operational burdens onto the very entities charged with environmental stewardship and public protection.

The Polluter is Profiting from PFAS Cleanup

It is equally important to note that, while DuPont has ostensibly stepped back from profiting through the manufacture of PFAS-containing products, it now stands to profit from cleaning up the very contamination it helped create. In recent years, DuPont has strategically repositioned itself as a key player in the global PFAS remediation market. For instance, the company acquired Desalitech, a firm specializing in advanced reverse-osmosis filtration systems, one of the most effective, yet costly, technologies for removing PFAS from drinking water.¹⁰ Beyond this acquisition, DuPont has expanded its portfolio of remediation technologies to include AMBERLITE ion exchange resins, FILMTEC reverse osmosis and nanofiltration elements, INTEGRAFLUX ultrafiltration modules, FORTILIFE osmosis membranes, and TAPTEX filtration systems for residential and commercial water purification.¹¹

⁹ Certification of Larry Gindoff, Paragraph 4, 5.

¹⁰ <https://www.dupont.com/content/dam/water/amer/us/en/water/public/documents/en/PFAS-MDW-Br-45-D04877-en.pdf>.

¹¹ https://s23.q4cdn.com/116192123/files/doc_financials/2024/ar/77833c99-f0da-48b4-aace-989e85a6a5db.pdf.

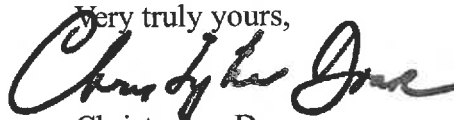
Through these ventures, DuPont has effectively transformed environmental accountability into a new profit center. The company is poised to generate revenue through contracts for filtration systems, site remediation, environmental consulting, and infrastructure projects—all industries driven by the growing urgency of PFAS cleanup. In doing so, DuPont not only offsets the costs of its own liability but also positions itself as an indispensable expert and supplier in the very cleanup efforts necessitated by its decades of pollution. This dynamic underscores a troubling cycle: DuPont stands to gain from both the problem and the solution, as public and private funding increasingly flows toward PFAS remediation worldwide.

Conclusion

In conclusion, the Authority respectfully urges the Court and all parties involved in the finalization of the JCO to reconsider and revise these provisions. At a minimum, the Release, and the Statewide PFAS Release and Covenant Not to Sue provisions should exclude independent governmental entities such as the Authority, or should otherwise preserve their statutory rights under CERCLA to seek appropriate cost recovery or contribution in the event they are held liable for PFAS contamination caused, in whole or in part, by DuPont's historical manufacture and distribution of these substances.

The Authority appreciates the opportunity to submit these comments and would welcome the chance to further discuss the matter in any appropriate forum.

Very truly yours,



Christopher Dour,
MCMUA Chair

cc: The Honorable Philip Murphy, Governor of the State of New Jersey
Senator Jon Bramnick
Senator Anthony Bucco
Senator Joseph Pennacchio
Senator Parker Space
Assemblyman Christian Barranco
Assemblyman Brian Bergen
Assemblywoman Aura Dunn
Assemblywoman Dawn Fantasia
Assemblyman Michael Inganamort
Assemblywoman Michele Matsikoudis
Assemblywoman Nancy Muñoz
Assemblyman Jay Webber
Mayor and Town Council of the Town of Boonton
Mayor and Township Committee of the Township of Boonton
Mayor and Borough Council of the Borough of Butler
Mayor and Borough Council of the Borough of Chatham
Mayor and Township Committee of the Township of Chatham

Mayor and Borough Council of the Borough of Chester
Mayor and Township Council of the Township of Chester
Mayor and Township Council of the Township of Denville
Mayor and Town Council of the Town of Dover
Mayor and Township Council of the Township of East Hanover
Mayor and Borough Council of the Borough of Florham Park
Mayor and Township Committee of the Township of Hanover
Mayor and Township Committee of the Township of Harding
Mayor and Township Council of the Township of Jefferson
Mayor and Borough Council of the Borough of Kinnelon
Mayor and Borough Council of the Borough of Lincoln Park
Mayor and Township Committee of the Township of Long Hill
Mayor and Borough Council of the Borough of Madison
Mayor and Borough of the Borough of Mendham
Mayor and Township Committee of the Township of Mendham
Mayor and Town Council of the Township of Mine Hill
Mayor and Township Committee of the Township of Montville
Mayor and Borough Council of the Borough of Morris Plains
Mayor and Township Committee of the Township of Morris
Mayor and Town Council of the Town of Morristown
Mayor and Borough Council of the Borough of Mount Arlington
Mayor and Township Council of the Township of Mount Olive
Mayor and Borough Council of the Borough of Mountain Lakes
Mayor and Borough Council of the Borough of Netcong
Mayor and Township Council of the Township of Parsippany-Troy Hills
Mayor and Township Council of the Township of Pequannock
Mayor and Township Council of the Township of Randolph
Mayor and Borough Council of the Borough of Riverdale
Mayor and Borough Council of the Borough of Rockaway
Mayor and Township Council of the Township of Rockaway
Mayor and Township Council of the Township of Roxbury
Mayor and Borough Council of the Borough of Victory Gardens
Mayor and Township Committee of the Township of Washington
Mayor and Borough Council of the Borough of Wharton
Peggy Gallos, Executive Director, AEA
Michael Cerra, Executive Director, NJLM
Larry Gindoff, Executive Director MCMUA
MCMUA Board Members

**PROPOSED JUDICIAL CONSENT ORDER
REGARDING SETTLEMENT WITH
DUPONT DE NEMOURS AND COMPANY
AND ITS AFFILIATES**

**NJDEP, ET AL., V. E.I. DUPONT DE
NEMOURS AND COMPANY, ET AL.,**

CASE NO.: 1:19-CV-14766-RMB-JBC (D.N.J.):

**CERTIFICATION OF LARRY GINDOFF
EXECUTIVE DIRECTOR OF THE
MORRIS COUNTY MUNICIPAL
UTILITIES AUTHORITY**

I, Larry Gindoff of full age, do hereby certify and state as follows:

1. I am the Executive Director, and have been the Executive Director for 8.5 years, of the Morris County Municipal Utilities Authority (the "Authority"). Prior to becoming the Executive Director, I was the Solid Waste Coordinator for the Authority since 1988. In that capacity, I am familiar with certain facts relating to this matter.
2. The Authority is a public body politic and corporate of the State of New Jersey established pursuant to the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq.
3. The Authority has been responsible for arranging for the transportation and final disposal of all solid waste generated in Morris County from two transfer stations located in Morris County to landfills in Pennsylvania since 1988.¹ Between 1998-2025, the Authority has arranged for the transportation and the final disposal of approximately of 14.4 million tons of solid waste generated in Morris County to landfills in Pennsylvania. A spreadsheet detailing the aforementioned amount is attached hereto as Exhibit A.
4. The transfer stations are located in Mt. Olive Township and the Township of Parsippany-Troy Hills. During the period of 1988-1998, NJDEP's solid waste flow control regulations

¹ The transfer stations were privately owned until the Authority acquired them in December 1993.

and the Morris County District Solid Waste Management Plan required all solid waste generated in Morris County be delivered to the transfer stations so that the Authority could arrange for the transportation of solid waste to out-of-state facilities for final disposal in accordance with the then approved Morris County Solid Waste Management Plan.

5. In 1998, after a challenge to NJDEP's solid waste flow control regulations was decided by the U.S. Court of Appeals for the Third Circuit in Atlantic Coast Demolition & Recycling, Inc. v. Board of Chosen Freeholders for Atlantic City, 112 F.3d 652 (3d Cir. 1997) cert. denied, 522 U.S. 966 (1997), NJDEP reaffirmed the continuation of the mechanism known as "solid waste flow control" through an administrative action filed by the Authority to require that haulers deliver all non-hazardous solid waste generated within Morris County to one of the two transfer stations owned by the Authority for processing and transportation to the ultimate disposal site(s) that are located outside of the State of New Jersey.
6. The Authority's operation of the aforementioned solid waste system is essential to maintain public health in Morris County and to assure the environmental and economical disposal of the solid waste that is generated in the County on a daily basis.
7. I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 25, 2025



Larry Gindoff
Executive Director
Morris County Municipal Utilities Authority

Gindoff, Larry

From: Stephen R Bishop <Stephen.Bishop@Amwater.com>
Sent: Tuesday, October 21, 2025 8:17 AM
To: Brad Carney
Cc: Mike Kobylarz; Gindoff, Larry
Subject: Re: A1340-0021-000 MCMUA Mt Olive Transfer Station Water Main Extension - Fire Service Upsize to 8"

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes, I will provide updates re the BPU proceeding. Joe Davignon at NJAW can be contacted re project specific updates.

Steve

From: Brad Carney <bcarney@mfhenvlaw.com>
Sent: Tuesday, October 21, 2025 8:11:59 AM
To: Stephen R Bishop <Stephen.Bishop@Amwater.com>
Cc: Mike Kobylarz <mkobylarz@alaimogroup.com>; Larry Gindoff <LGindoff@co.morris.nj.us>
Subject: Re: A1340-0021-000 MCMUA Mt Olive Transfer Station Water Main Extension - Fire Service Upsize to 8"

Stephen,

Thank you. If we could have a regular communication on progress/status every couple of weeks, it would be helpful in reporting status to the MCMUA.

Sent from Brad's iPhone

On Oct 20, 2025, at 6:46 PM, Stephen R Bishop <Stephen.Bishop@amwater.com> wrote:

Brad – New Jersey American Water values the partnership with the MCMUA. Regarding this specific project, I don't know all the details, but I take issue with the description of languishing or not taking it seriously. New Jersey American Water handles all of its many projects seriously and professionally. My understanding is that the Extension Deposit Agreement was finalized after some back and forth in wording but remains unsigned and the project remains unfunded. We have been working on the petition for approval of the municipal consent and it will be filed by the end of the week. Municipal consent proceedings are fairly straightforward, but with the discovery process, scheduling a public meeting and getting on the BPU agenda, the full process will take several months. We are noting with the BPU that this is an important project for the MCMUA and request expedited review.

Stephen R. Bishop

VP & General Counsel (NJ & PA)
American Water
Office: 856.955.4877
Cell: 856.364.0965

From: Brad Carney <bcarney@mfhenvlaw.com>
Sent: Monday, October 20, 2025 4:11 PM
To: Stephen R Bishop <Stephen.Bishop@Amwater.com>
Cc: Mike Kobylarz <mkobylarz@alaimogroup.com>; 'Gindoff, Larry (LGindoff@co.morris.nj.us)' <LGindoff@co.morris.nj.us>
Subject: RE: A1340-0021-000 MCMUA Mt Olive Transfer Station Water Main Extension - Fire Service Upsize to 8"

Stephen,

This firm represents the Morris County Municipal Utilities Authority (MCMUA). The MCMUA has a longstanding relationship with NJAW and has provided water to NJAW for decades pursuant to a water supply contract. As a courtesy, this year MCMUA has sold water to NJAW well above current contractual limits in order to satisfy NJAW demand.

The MCMUA also has executed an Extension Deposit Agreement with NJAW for the installation of 800 feet of DI CL 2" domestic service / 8" Fire service necessary for its Mount Olive Transfer Station. This project, however, has languished due in part to what is perceived as a lack of urgency on behalf of NJAW to apply and obtain approval of a franchise from BPU for this project. For example, no communication was received from NJAW in the last month as to the status of the BPU franchise, no specific timeframes are provided and there is no commitment from NJAW as to when this project is anticipated to commence or be completed. The MCMUA Board is very concerned about the lack of progress with the franchise. Can you advise as to the status? Can you advise when NJAW's application was submitted and when it is expected to be approved by BPU? Is there anything you can do to move this project along as a higher priority?

Brad Carney, Esq.

**MARAZITI
FALCON, LLP**

***240 Cedar Knolls Road, Suite 301
Cedar Knolls, NJ 07927***

973.912.6816 (Direct) | 973.912.9008 (Phone) | 973.912.9007 (Facsimile)
bcarney@mfhenvlaw.com | www.mfhlaw.com
ABA-EPA LAW OFFICE CLIMATE CHANGE PARTNER

From: Joseph N Davignon <Joe.Davignon@amwater.com>
Sent: Friday, October 17, 2025 3:18 PM
To: Alexis Romeo <aromeo@alaimogroup.com>; Stephen R Bishop <Stephen.Bishop@Amwater.com>
Cc: Mike Kobylarz <mkobylarz@alaimogroup.com>; Brad Carney <bcarney@mfhenvlaw.com>



October 21, 2025

VIA ELECTRONIC MAIL

Hon. Sherri L. Lewis, RMC
Secretary of the Board
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, NJ 08625-0350

**Re: In the Matter of the Petition of New Jersey-American Water Company, Inc.
for Approval of a Municipal Consent Granted by the Township of Mount
Olive, Morris County**

Dear Secretary Lewis:

Enclosed please find a Petition filed on behalf of New Jersey-American Water Company, Inc. in connection with the above-referenced matter.

As referenced in the petition, the proposed franchise area that is the subject of the municipal consent granted by Mount Olive Township is the site of the Morris County Municipal Utilities Authority's Mount Olive transfer station and as such, we respectfully request expedited treatment of this matter.

Kindly file the Petition and advise of the docket number assigned to this case. Please do not hesitate to contact me should you have any questions.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "S. R. Bishop", is written over a horizontal line.

Stephen R. Bishop
Vice President and General Counsel

SRB:dlc
Enc.

cc: Attached service list (via email, w/enc.)

**I/M/O the Petition of New Jersey American Water Company, Inc. for Approval of a
Municipal Consent Granted by Mount Olive Township, Morris County**

**BPU Docket No. WE2510 _____
Service List**

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**I/M/O the Petition of New Jersey American Water Company, Inc. for Approval of a
Municipal Consent Granted by Mount Olive Township, Morris County**

**BPU Docket No. WE2510 _____
Service List**

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BEFORE THE
STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

IN THE MATTER OF THE PETITION OF NEW JERSEY-AMERICAN WATER COMPANY, INC. FOR APPROVAL OF A MUNICIPAL CONSENT GRANTED BY THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS	: : : : : : : : :	PETITION BPU DOCKET NO. WE2510 _____
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TO: THE HONORABLE COMMISSIONERS OF THE STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES

Petitioner, New Jersey-American Water Company, Inc. (“NJAWC” or “Petitioner”), a duly organized and existing public utility corporation of the State of New Jersey, with its principal office at 1 Water Street, Camden, New Jersey, 08102, hereby petitions the Board of Public Utilities (“Board”) for authorization, pursuant to N.J.S.A. 48:2-14, N.J.S.A. 48:3-11 to 15, N.J.S.A. 48:19-17, N.J.S.A. 48:19-20, and N.J.A.C. 14:1-5.5 and such other regulations and statutes as may be deemed applicable and appropriate by the Board, to approve a municipal consent ordinance granted to NJAWC by the Township of Mount Olive (the “Township”). In furtherance of this Petition, NJAWC states as follows:

1. NJAWC is a regulated public utility corporation engaged in the production, treatment and distribution of water and collection of sewage within its defined service territory within the State of New Jersey. Said service territory includes portions of the following counties: Atlantic, Bergen, Burlington, Camden, Cape May, Essex, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Union and Warren.

2. By this Petition, NJAWC is seeking approval of municipal consent Ordinance No. 23-2024, adopted by the Township Council of the Township in the County of Morris, State of New Jersey on August 7, 2024 (the “Municipal Consent”), a copy of which is attached hereto as Exhibit A. The Municipal Consent was introduced and adopted pursuant to N.J.S.A. 48:3-11 to 48:3-15, and N.J.S.A. 48:19-17 to permit Petitioner to construct, lay, maintain, and operate the necessary water mains, pipes and appurtenances, including hydrants (collectively, the “Facilities”), to expand NJAWC’s existing franchise in the Township to provide water service and public fire protection service to a portion of the Township commonly known as Block 4500, Lot 15 as shown on the current tax map of the Township (hereinafter the “Proposed Franchise Area”), which serves as the site of the Morris County Municipal Utilities Authority Mount Olive Transfer Station.

3. NJAWC has the following current franchise areas in the Township: NJAWC is the franchised water purveyor for a commercial portion of the Township commonly referred to as the International Trade Center (“ITC”), which borders the Proposed Franchise Area; NJAWC is the franchised water purveyor for the residential development known as Country Club Estates; NJAWC is the franchised water and wastewater service purveyor for the residential development known as Country Oaks; and NJAWC is the franchised wastewater service purveyor for the residential development known as Morris Chase.

4. The Township encompasses approximately 31.24 square miles and has a population of approximately 28,886 people, with a population density of approximately 222.3 per square mile. It borders the municipalities of Chester Township, Netcong, Roxbury, and Washington Township in Morris County; Stanhope in Sussex County; and Allamuchy and Hackettstown in Warren County.

5. The Township's Municipal Consent was adopted in anticipation of a main extension application made by the Alaimo Group to NJAWC to provide water service to 168 Goldmine Road in Mount Olive, NJ (Block 4500 Lot 15).

6. The site is across the street from the shopping centers in the ITC area and thus, currently outside the Company's Franchise area.

7. Approval of the Municipal Consent submitted to the Board with this Petition will serve the public interest as NJAWC, its employees and agents are well qualified to operate and maintain the water system and facilities so as to provide safe, adequate and proper service and will continue to leverage its experience, expertise, and economies of scale to benefit the customers of the Township and of NJAWC.

8. The rates to be charged for water service in the Proposed Franchise Area will be the same as the rates paid by current Township water customers pursuant to NJAWC Tariff, Rate Schedule A-1, a copy of which is attached hereto as Exhibit B.

9. The Petitioner has not yet commenced water service within the Proposed Franchise Area of the Township covered by the Municipal Consent.

10. For the reasons stated above, approval of the Municipal Consent will serve the public convenience and properly serve the public interests pursuant to N.J.S.A. 48:2-14.

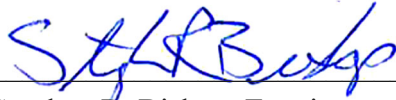
WHEREFORE, Petitioner respectfully requests that the Board approve Municipal Consent Ordinance No. 23-2024 of the Township of Mount Olive, Morris County, and grant such other and further relief as the Board may deem reasonable and appropriate under the circumstance.

Respectfully submitted,

NEW JERSEY-AMERICAN WATER COMPANY, INC.

Dated: October 21, 2025

By:


Stephen R. Bishop, Esquire

Communications addressed to the Petitioner in this case are to be sent to:

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VERIFICATION

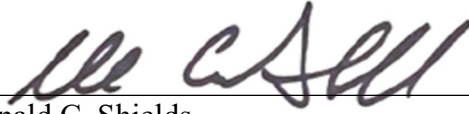
STATE OF NEW JERSEY

ss.

COUNTY OF CAMDEN

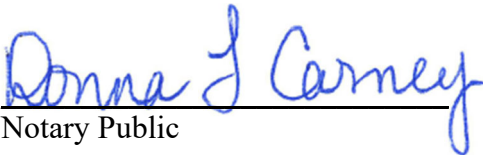
I, Donald C. Shields, of full age, being duly sworn according to law, upon my oath depose and say:

1. I am the Vice President of Engineering, New Jersey-American Water Company, Inc., the Petitioner herein, and am authorized to make this verification on behalf of said Petitioner.
2. I have reviewed the within Petition and the attachments thereto, and the information contained therein is true and accurate according to the best of my knowledge, information and belief.

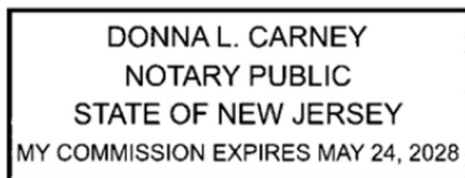


Donald C. Shields
Vice President, Engineering

Sworn to and subscribed before me this
21st day of October, 2025.



Notary Public



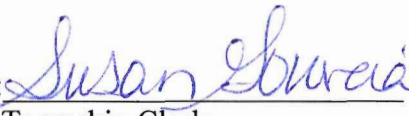
Ord.#23-2024 An Ordinance Granting Consent and Permission to New Jersey-American Water Company, Inc. to Furnish Potable Water in the Township of Mount Olive.

CLERK:

Delivered to Mayor:

Date: 8/7/2024

Time: 9:00 am

Signed: 
Township Clerk
Susan Gouveia

MAYOR:

Action by Mayor:

Approved: 

Date: 8/7/24

Vetoed:

Date:

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)


Signed:
Mayor

CLERK:

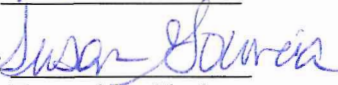
Returned:

Date: 8/7/24

Time: 9:30 am

Not returned with in (10) days

Date: 8/7/24

Signed: 
Township Clerk

ORD.#23-2024

**AN ORDINANCE GRANTING CONSENT AND PERMISSION TO NEW JERSEY
AMERICAN WATER COMPANY, INC. TO FURNISH POTABLE WATER IN THE
TOWNSHIP OF MOUNT OLIVE**

WHEREAS, the Township of Mount Olive hereby grants consent and permission to New Jersey-American Water Company, Inc., a New Jersey corporation to furnish water to the Township of Mount Olive, County of Morris and State of New Jersey, and more specifically to Block 4500 and Lot 15 as shown on the tax map with an address of 168 Gold Mine Road; and

WHEREAS, the Township of Mount Olive ("Township"), Morris County, New Jersey is desirous of providing water services to sites not currently within New Jersey American Water's service area; and

WHEREAS, New Jersey American Water Company, Inc. ("Company") is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the Township to permit said Company to extend water service and its facilities in the Township; and

WHEREAS, the Company has requested the consent of the Township as required by N.J.S.A. 48:19-17 and 48:19-20, as amended, to lay its pipes beneath and restore such public roads, streets and places as it may deem necessary for its corporate purposes, free from all charges to be made for said privilege (except fees for road opening permits shall be paid), provided that said pipes shall be laid at least three feet (3') below the surface and shall not in any way unnecessarily obstruct or interfere with the public travel or cause or permit other than temporary damage to public or private property; and

WHEREAS, it is deemed to be in the best interest of the citizens of the Township with regard to the entire municipality to provide this consent;

WHEREAS, the Mayor and Council of the Township have concluded that granting of said consent shall enhance the health, safety and welfare of the citizens of the Township.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF
THE TOWNSHIP OF MOUNT OLIVE AS FOLLOWS:**

Section 1. That exclusive and perpetual consent and permission to furnish water to that part of the Township, County of Morris, State of New Jersey more specifically described as Block 4500, Lot 15 as shown on the Tax Map of the Township in existence on the date of the passage of this Ordinance is hereby given and granted to the Company, a New Jersey corporation, its successors and assigns, subject to approval of such consent and permission by the Board of Public Utilities of the State of New Jersey.

Section 2. That exclusive consent and permission is given to the Company, its successors and assigns, under the provisions of N.J.S.A. 48:19-17 and N.J.S.A. 48:19-20, as amended, without charge therefore, (except fees for road opening permits which shall be paid) as

the same may be required in order to permit the Company to add to, extend, operate and maintain said water facilities in the public property described herein in order to provide said water service. This shall include permission to lay pipes beneath the public roads, streets and public places. The public property shall include roads, streets and public places. The consent provided to the Company herein to use the public roads and streets of the Township is limited by statute to fifty (50) years. The privilege granted herein shall include the construction, installation and maintenance of hydrants, as necessary, on and along the roads of the Township. The Township or its designee will pay the Company the filed tariff rates for public fire protection service rendered through said hydrants.

Section 3. That a certified copy of this Ordinance, upon final passage, shall be sent to the Company, the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

Section 4. That the consent granted herein shall be subject to the Company complying with all applicable laws of the Township and/or the State of New Jersey including, but not limited to, any and all statutes and administrative agency rules and/or regulations.

Section 5. The Township Manager, Mayor and the Clerk of the Township be authorized to execute the documents and agreements necessary to effectuate the municipal consent and to protect the rights of the public involved.

Section 6. The consent granted herein extends only to the property in the Township known as Block 4500 Lot 15 as shown on the Tax Map of the Township in existence on the date of the passage of this Ordinance. Any extension of the consent granted herein to territory other than the property in question must be approved by the Township by ordinance.

Section 7. Each section, subsection, sentence, clause and the phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 8. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

TOWNSHIP OF MOUNT OLIVE



Alex Roman, Township Council President

ATTEST:


Susan Gouveia, Township Clerk

RATE SCHEDULE A-1
GENERAL METERED SERVICE**APPLICABILITY**

Applicable for general metered residential, commercial, industrial, and municipal service throughout Service Area 1, Service Area 1A, Service Area 1B, Service Area 1C, Service Area 1D, Service Area 1E, Service Area 2, and Service Area 3, except as specifically provided elsewhere in this tariff. The charge for general metered service shall consist of the total of the Fixed Service Charge, the Water Charge, the Purchased Water Adjustment Clause (PWAC) Charge as shown on Rate Schedule O-1, the Lead Service Line Replacement Charge (LSLRC) as shown on Rate Schedule O-2, the Special Program Charge (SPC) as shown on Rate Schedule O-3, the Resiliency and Environmental System Investment Charge (RESIC) as shown on Rate Schedule O-5, and the Distribution System Improvement Charge (DSIC) as shown on Rate Schedule K.

CHARACTER OF SERVICE

Continuous, except as limited by the "Standard Terms and Conditions."

FIXED SERVICE CHARGE

All general metered water service customers shall pay a fixed service charge based on the size of each meter installed by the Company. Customers with multiple meters shall be charged for each meter at the indicated rate. Whenever service is established or is discontinued, all applicable fixed charges shall be prorated to the date of establishment or discontinuance of service.

<u>Size of Meter</u>	<u>Non-Exempt Per Month</u>	<u>Exempt Per Month</u>
5/8"	\$22.65	\$19.56
3/4"	34.00	29.36
1"	56.61	48.89
1 1/2"	113.30	97.85
2"	181.38	156.64
3"	339.96	293.60
4"	566.28	489.05
6"	1,132.41	977.97
8"	1,811.83	1,564.73
10"	2,264.81	1,955.94
12"	2,830.77	2,444.71
16"	4,529.62	3,911.88

WATER CHARGE

In addition to the Fixed Service Charge set forth above, a charge will be made for all water used as registered by the meter.

	<u>Gallons Per Month</u>	<u>Rate* Per 100 Gallons</u>	<u>Rate* Per 1,000 Gallons</u>
Non-Exempt	All	\$0.88724	\$8.8724
Exempt	All	\$0.76624	\$7.6624

TERMS OF PAYMENT

Valid bills for general metered water service furnished under this schedule will be rendered monthly in arrears and are due twenty (20) days from the date of the postmark on the envelope in which the bill was transmitted or electronic transmission date for customers on electronic billing. All bills shall list a due date. Thereafter, the Company may not discontinue water service unless written notice is provided giving the customer at least ten (10) days' notice prior to the proposed discontinuance. The 10 days shall begin on the postmark date of the notice. N.J.A.C. 14:3-3A.3.

SPECIAL PROVISION

*Non-Exempt consumption charges reflect a water tax of \$.01 per 1,000 gallons of water consumed pursuant to N.J.S.A. 58:12A-21(a). Exempt consumption charges reflect a water tax of \$.01 multiplied by 0.863621 per 1,000 gallons. This water tax is not applicable for sales for resale service. Exempt rates are charged for service rendered to those customers entitled to statutory relief pursuant to N.J.S.A. 54:30A-50, et seq.

Issued: April 15, 2025

Effective: May 30, 2025

By: Mark K. McDonough, President
1 Water Street, Camden, NJ 08102

Filed pursuant to Order of the Board of Public Utilities entered in
Docket No. WR24040240 dated September 4, 2024.



November 5, 2025

Ms. June E. Hercek, Township Administrator
Township of Montville
195 Changebridge Road
Montville, New Jersey 07045

**RE: Morris County Solid Waste Management Plan- Plan Inclusion Request:
Dan Como & Sons, Inc. C/O Daniel R. Como Jr. Facility from Exempt Facility to a
Multi-Class (B &C) Recycling Facility**

Dear Ms. June Hercek:

Back in July of 2022, the Morris County Municipal Utilities Authority (MCMUA) received a Solid Waste Management Plan (Plan) Inclusion request submitted by Mianecki Consulting Engineers (Mianecki) representing Dan Como & Sons, Inc. C/O Daniel R. Como Jr. Facility (Como), also known as "The Mulch Depot". The Como facility is located at #3 Como Court (Block 41; Lot 1) in the Towaco section of Montville Township, New Jersey 07082. In short, Como was requesting a Plan Inclusion from an exempt leaf transfer facility to a New Jersey Department of Environmental Protection (NJDEP) approved Multi-Class (B &C) Recycling facility. The full detailed Como inclusion packet included copies of the proposed Site Plan, a request for endorsement from the Law Office of Steven C. Schepis, LLC, representing Como, a hydrogeologic evaluation of the Como facility from M2 Associates, Inc., and formal letter from Mianecki to the MCMUA. Within the letter and inclusion packet was a request for Como's desired daily capacities:

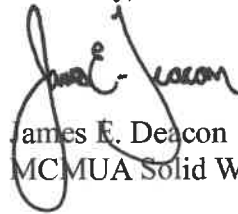
- Leaves @ 25 Tons per day (TPD)
- Yard Trimmings including Grass @ 10 TPD
- Wood (tree limbs and tree parts) @ 600 TPD

After some correspondence with Mr. Joseph S. Mianecki by phone, the MCMUA received the final inclusion packet concerning the Como Plan Amendment in September of 2022. The MCMUA then held an onsite Solid Waste Advisory Council (SWAC) meeting at the Como facility on December 6, 2022, to review and discuss the potential inclusion. At the time of the SWAC meeting the Como facility had been operating under an approved NJDEP Administrative Consent Order (ACO). Shortly after the SWAC meeting, the MCMUA started communicating with the Township of Montville directly. The Montville governing body had some concerns over the impact on the ground water quality as it pertains to the Como property and secured their own hydrogeologist to conduct a groundwater investigation to determine potential effects of the proposed operation on the municipal water supply. At the request of the Township to perform some due diligence and investigate these potential impacts, the MCMUA held off from issuing any formal requests for Township and NJDEP approvals.

More recently, Montville Township contacted the MCMUA direct about moving forward and approving the Como Plan Inclusion at the Municipal level. Prior to issuing any Plan Amendment or Plan Inclusion request to NJDEP, the MCMUA first seeks the position of the host municipality of the Township of Montville on this matter. It is therefore requested that this letter and attachments be distributed to Montville's municipal elected officials and that the governing body of the Township of Montville adopt a resolution within three (3) months of the receipt of this letter setting forth its position relative to the proposed modification to the Plan. Please be aware that if there is no resolution adopted with reference to this matter by Montville's governing body within three (3) months of receipt of this letter, the MCMUA may submit a Plan Amendment to the NJDEP without consideration of the Township's position.

Please note that all correspondence related to this matter should be forwarded to the MCMUA at the address listed at the bottom of this letter. Additionally, if you and/or any members of Montville's governing body want to discuss this matter, feel free to contact me at (973) 285-8391.

Sincerely,



James E. Deacon
MCMUA Solid Waste Coordinator

Enclosure: Request for Inclusion packet, Dan Como & Sons, Inc.
Dan Como & Sons, Inc. Site Plan (s)
Mianecki Consulting Engineers response letter to Nick Marucci, Township Engineer
Sample Resolution #23-124 adopted by Jefferson Township on May 10, 2023

Cc: MCMUA Board w/o attachments
Morris County Solid Waste Advisory Council w/o attachments
Larry Gindoff, MCMUA Executive Director via email w/o attachments
Dan Como & Sons, Inc, via email w/o attachments
Steven C. Schepis, Esq., via email w/o attachments
Joseph S. Mianecki, Jr, Consulting Engineer, via email w/o attachments