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CARTERET BUSINESS PARTNERSHIP, INC.,	ADMINISTRATIVE ACTION FINAL AGENCY DECISION
Petitioner,	OAL DKT NO.: EER 11734-23
v.	AGENCY DKT. NO. 46606, TWA 220038
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION,	
Respondent.	

This Order addresses an issue of regulatory interpretation in which the petitioner, Carteret Business Partnership, Inc. (CBP), challenges the New Jersey Department of Environmental Protection's (DEP) denial of its Treatment Works Application (TWA) to construct and operate a treatment works facility. DEP denied CBP's TWA application asserting it lacked regulatory authority pursuant to the TWA regulations to continue review of the application, because the application lacked the necessary consent from the receiving wastewater treatment facility owner, the Middlesex County Utility Authority (MCUA). CBP challenges the denial on the grounds that the TWA regulation, N.J.A.C. 7:14A-22.8(a)3v(5), allows DEP to consider the reasons for the lack of consent by the wastewater treatment facility owner and therefore, DEP has the regulatory authority to review and rule on the merits of CBP's TWA application. DEP argues that N.J.A.C.

7:14A-22.8(a)3v(5) does not permit DEP to consider a TWA application when the wastewater treatment facility owner fails to provide consent as required by N.J.A.C. 7:14A-22.8(a)3.

On July 8, 2024, Administrative Law Judge (ALJ) Sarah G. Crowley issued an Initial Decision, denying DEP's motion for summary decision and converting CBP's opposition to a cross-motion for summary decision and granting it. The ALJ found that pursuant to N.J.A.C. 7:14A-22.8(a)3v(5), DEP has the regulatory authority to review CBP's TWA application despite the lack of consent from the receiving wastewater treatment facility owner. The ALJ ordered DEP to consider CBP's TWA application on the merits and as necessary, conduct fact-finding and reach out to the affected entities for information as to why consent on CBP's application is being withheld. The ALJ further ordered that in the alternative, if DEP cannot consider CBP's application according to the TWA regulations, DEP should provide some directive on how CBP should proceed.

For the reasons set forth herein, I REVERSE the Initial Decision and GRANT DEP's motion for summary decision.

FACTUAL AND PROCEDURAL HISTORY

CBP is a developer of residential apartments and is looking to construct a 64-unit mixed development at Block 6411, Lots 8, 9, 10, and 11 in the Borough of Carteret, Middlesex County, New Jersey (Property). The Property is located at the Pershing Avenue Redevelopment. In November 2022, CBP submitted a TWA application to DEP for the construction and operation of two gravity sanitary sewer laterals that would service the development. Wastewater discharged from the development would enter the Carteret municipal sewer conveyance system that is owned and operated by Carteret's Sewer Department. This sewer conveyance system connects to a sewer conveyance system owned and operated by the Township of Woodbridge, through which CBP's

discharge would ultimately reach the MCUA Wastewater Treatment Plant. There is an existing service agreement between Carteret and Woodbridge that allows Carteret to use Woodbridge's sewer conveyance system.

CBP was required to submit a TWA application to DEP to permit the sewerage flow from the Property to MCUA, where it will be treated. N.J.A.C. 7:14A-22.8(a). N.J.A.C. 7:14A-22.8(a)(3) requires resolutions and/or written statements of consent from the affected municipality, sewerage authority, owner of the receiving treatment plant, and owner/operator of the wastewater conveyance system into which the project will directly connect. The rules also direct applicants to DEP form WQM-003, which provides a convenient means for documenting all necessary consents in a single document. N.J.A.C. 7:14A-22.8(a)3v provides that if an applicant cannot get certain written statements of consent, it may choose to follow the procedures outlined in (a)3v(1) through (5). Relevant here is v(5), which provides the following:

> When the affected municipality or sewerage authority does not issue either a written statement of consent or a denial of the request for consent, the Department, upon receipt of proof that the applicant has delivered to the affected agency a written request for a written statement of consent, shall review the reasons for the lack of consent or denial, if known on the basis of reasonably reliable information. Any such reasons shall be considered by the Department in determining whether to issue a treatment works approval or sewer connection approval in accordance with this subchapter.
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> [N.J.A.C. 7:14A-22.8(a)3v(5).]

CBP's TWA application did not include signatures on the WQM-003 consent form from Woodbridge as a wastewater conveyance system owner nor from MCUA as the wastewater treatment facility owner. CBP sent DEP a letter on November 7, 2022, explaining its attempts to get Woodbridge and MCUA to sign the TWA application, which had been unsuccessful. CBP asked DEP pursuant to N.J.A.C. 7:14A-22.8(a)3v to move forward with review of its TWA application. The record indicates that MCUA refused to sign CBP's TWA application because

Woodbridge would not agree to convey the wastewater to MCUA and in turn consent to CBP's TWA application as a wastewater conveyance system owner.[1]

On November 14, 2022, DEP notified CBP that its TWA application was administratively complete and that it had been forwarded on for technical review.[2] On November 18, 2022, DEP emailed CBP notifying it of a technical deficiency due to MCUA's missing signature as the wastewater treatment facility owner on page 3, section C of CBP's WQM-003. CBP responded to DEP on November 23, noting that it was aware of MCUA's missing signature, but it was experiencing issues with obtaining Woodbridge's approval to convey the flow through its sewer lines to MCUA, without which MCUA would not sign the form. On December 16, 2022, DEP again notified CBP that section C of the WQM-003 form was still missing a signature from MCUA and that this section had to be signed to issue the permit because wastewater flow would be going to MCUA. CBP responded to DEP in a letter on December 21, 2022, acknowledging that the signature was still missing because of the alleged failure of Woodbridge to endorse the application. In the letter, CBP requested that DEP approve its TWA application pursuant to N.J.A.C. 7:14A-22.8(a)3v(5), asserting that DEP has the authority to review and issue its TWA without the signature of the wastewater treatment facility owner.

On February 6, 2023, DEP denied CBP's TWA application on the grounds that it lacked the authority pursuant to the TWA regulations to issue the permit because MCUA, as the wastewater treatment facility owner, did not provide consent on the WQM-003 form. DEP explained that MCUA's consent is required because it needs to certify that the wastewater will be

[1] The reasons for Woodbridge's refusal to consent to CBP's TWA application, which are contested, are outside the scope of this decision.
[2] This was an error. DEP should have denied CBP's TWA application as administratively incomplete and never sent the application on for technical review because of MCUA's missing signature. That said, DEP's administrative error does not excuse CBP or DEP from further compliance with the regulations.

treated and that the treatment plant is following its New Jersey Pollution Discharge Elimination System (NJPDES) permit requirements. In its denial of CBP's TWA application, DEP did not rely on the reasons Woodbridge or MCUA provided for not providing consent on the WQM-003 form, although it acknowledged that MCUA stated that it would not consent until Woodbridge consented.

On February 13, 2023, CBP requested an adjudicatory hearing, which was granted on June 30, 2023. CBP's hearing request was transmitted to the Office of Administrative Law (OAL) on October 21, 2023.[3] Woodbridge was later granted leave to intervene in this matter.[4] DEP moved for summary decision on April 11, 2024, and CBP opposed on May 1, 2024.[5] A hearing was held, and the record closed, on June 13, 2024.

INITIAL DECISION

ALJ Sarah G. Crowley issued an Initial Decision on July 8, 2024, finding that DEP has the authority pursuant to N.J.A.C. 7:14A-22.8(a)3v(5) to consider CBP's TWA application on its merits according to its regulations and if in the alternative, DEP's regulations preclude DEP from doing so, DEP should provide some directive on how CBP should proceed in the absence of consent from MCUA. ALJ Crowley also indicated that because there are no factual issues in dispute, the parties may seek appellate review of this issue of regulatory interpretation.

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[3] There is reference in the record to CBP's verified complaint in lieu of prerogative writs that was filed in Middlesex County Superior Court, MID-L-674-23, in which CBP ultimately sought an order compelling MCUA to give consent for CBP's TWA application. Motions to transfer the matter to the Office of Administrative Law were filed, which the Honorable Michael A. Toto granted. In relevant part, Judge Toto's order stated "while the administrative channels may not be able to compel a will-serve letter, they can adjudicate the underlying issue-the issuance of the TWA permit and whether it should be issued regardless of the municipality's denial." DEP was not a party to that litigation. It should be made clear that the present matter was before the Office of Administrative Law pursuant to CBP's hearing request regarding DEP's denial of its TWA application and not the Superior Court's transfer order.

[4] While Woodbridge was granted leave to intervene in this matter, it did not oppose DEP's motion for summary decision. Woodbridge only filed exceptions after the Initial Decision was rendered. DEP moved for reconsideration of the intervention order, which was denied at oral argument. This Final Decision does not address Woodbridge's intervention.

[5] The ALJ converted CBP's opposition to a cross-motion for summary decision. DEP took exception to this.

The ALJ determined that the contested issue consisted purely of regulatory interpretation and specifically whether N.J.A.C. 7:14A:22-8(a)3v(5) applies when there is no consent from the wastewater treatment facility owner on a TWA application and thus, whether DEP is obligated to review and/or rule on CBP's TWA application on the merits. The ALJ determined that DEP has the authority pursuant to N.J.A.C. 7:14A-22.8(a)3v(5) to review the merits of CBP's TWA application despite the lack of consent from the wastewater treatment facility owner. The ALJ further explained that "the intention of the regulations is to provide some relief to a party seeking approval for a TWA. Specifically, the regulations state that the NJDEP 'shall review the reasons for the lack of consent or denial, if known on the basis of reasonably reliable information. Any such reasons shall be considered by the Department in determining whether to issue a treatment works approval or sewer connection approval in accordance with this subchapter.'" N.J.A.C. 7:14A-22.8(a)3v(5). The ALJ determined that there was no substantive reason in the record as to why the wastewater treatment facility owner refused to consent to the TWA application and thus, DEP should order the affected entities to provide a substantive reason for not providing consent. DEP should then consider the substantive reason in its review of CBP's application on the merits.

The ALJ further explained that a Superior Court Judge reviewed the applicability of N.J.A.C. 7:14A-22.8(a)3v(5) and found that this issue of statutory interpretation "should be resolved administratively by DEP" and that is what CBP requested of DEP in its hearing request.

EXCEPTIONS

DEP filed exceptions to the Initial Decision on July 22, 2024. DEP takes exception to: 1) the ALJ's conversion of CBP's opposition brief to a cross-motion for summary decision; 2) the ALJ's interpretation that N.J.A.C. 7:14A-22.8(a)3v(5) requires DEP to rule on a TWA application when the wastewater treatment facility owner has not consented to the TWA application; 3) the

ALJ's finding that none of the affected parties had provided a substantive reason for not consenting to CBP's TWA application when in fact competing explanations were part of the record; 4) the ALJ's interpretation of Judge Toto's Order in MID-L-674-23 that stated that while administrative channels may not be able to compel a will-serve letter, they could adjudicate whether DEP has the legal authority to move ahead with CBP's TWA application despite the lack of consent from MCUA. DEP argues that it rejected CBP's application specifically because it does not have the authority to move ahead with CBP's application; 5) the finding that DEP should consider the substantive reasons why the affected entities would not sign-off on CBP's TWA application, because a plain reading of N.J.A.C. 7:14A-22.8(a)3v(5) reveals that the provision does not apply to the owner of the receiving treatment plant; and 6) the ALJ's requirement that DEP insert itself into an ongoing contract dispute that does not involve DEP.

On July 26, 2024, CBP filed a response to DEP's exceptions asserting that DEP ignored the TWA regulations when it denied its application and arguing that the TWA regulations require DEP to complete a thorough review of a TWA application. Specifically, CBP asserts that 1) the ALJ had the authority to convert its opposition to a cross-motion for summary decision; 2) the ALJ appropriately determined that N.J.A.C. 7:14A-22.8(a)3v(5) applies to the owner of the receiving wastewater treatment plant and thus, DEP was required to review the reasons for the lack of consent when reviewing CBP's TWA application; 3) DEP did not thoroughly investigate the reasons why Woodbridge and MCUA would not consent to CBP's TWA application; 4) the Initial Decision only requires DEP to review the merits of CBP's TWA application; and 5) the ALJ appropriately called on DEP to fulfill its regulatory function.

Woodbridge filed a response to DEP's exceptions on July 29, 2024. Woodbridge asserts that 1) ALJ Crowley had the legal authority to convert CBP's opposition to DEP's motion for

summary decision into a cross-motion for summary decision and 2) DEP has made no new argument challenging the ALJ's interpretation of N.J.A.C. 7:14A-22.8(a)3v(5).

DISCUSSION

This Decision addresses a question of regulatory interpretation: whether DEP has the ability pursuant to N.J.A.C. 7:14A-22.8(a)3v(5) to review and rule on a TWA application when the wastewater treatment facility owner (in this case, MCUA) does not provide consent. The critical facts surrounding CBP's TWA application are not in dispute. Specifically, all parties agree that MCUA, the wastewater treatment facility owner, did not sign DEP's WQM-003 form as part of CBP's TWA application and that Woodbridge would also not sign the form as a wastewater conveyance system owner. Therefore, the ALJ properly determined that there were no issues of material fact in dispute and as a matter of law, summary decision was warranted.[6]

Under N.J.A.C. 1:1-12.5(b), a motion for summary decision may be granted if the parties' submissions "show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." This is the same standard for summary judgment under Rule 4:46-2. A.B. v. Bd. of Educ. of City of Hackensack, Bergen Cnty., No. A-0999-21, 2023 N.J. Super. Unpub. LEXIS 1635, at *3 (App. Div. Oct. 5, 2023). Furthermore, "[a]n issue of fact is genuine only if, considering the burden of persuasion at trial, the evidence submitted by the parties on motion, together with all legitimate inferences therefrom favoring the non-moving party, would require submission of the issue to the trier of fact." Rule 4:46-2(c). In reviewing a motion for summary decision, a judge must decide "whether the competent evidential

[6] The Initial Decision incorrectly asserts that this matter was before the OAL per a transfer order from the New Jersey Superior Court. This is not correct. The matter was before the OAL pursuant to CBP's hearing request regarding DEP's denial of its TWA application on the basis that it lacked the regulatory authority to continue review of the application without consent from MCUA. CBP's action in lieu of prerogative writ filed in the Middlesex County Superior Court and Judge Toto's subsequent order transferring jurisdiction to the OAL have no bearing on this Decision. Even so, this Decision addresses Judge Toto's order and no further proceedings are required.

materials . . . are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party." Piccone v. Stiles, 329 N.J. Super. 191, 195 (App. Div. 2000) (quoting Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 540 (1995)).[7]

I concur with the ALJ that summary decision was appropriate here because there are no issues of material fact and the issue of regulatory interpretation of N.J.A.C. 7:14A-22.8(a)3v(5) can be resolved as a matter of law. I, however, disagree with the Initial Decision and find that the plain text and structure of N.J.A.C. 7:14A-22.8(a)3v(5) does not allow DEP to continue to review a TWA application that lacks the consent of the wastewater treatment facility owner, which is the situation here. The text, structure, regulatory history, and administrability of the TWA regulations support this conclusion, and agency interpretations of their own regulations are to be afforded deference. As such, I REVERSE the Initial Decision and GRANT DEP's motion for summary decision for the reasons set forth below.

DEP regulates the construction and operation of industrial and domestic wastewater collection, conveyance, and treatment facilities, including treatment plants, sewer mains, and conveyance systems through its TWA regulations. N.J.A.C. 7:14A-22, -23. This includes review and permit approval for any new sewer lines, which may include the review of downstream conveyance and treatment capacity. According to the General Policy and Purpose section of DEP's TWA regulations:

[7] As a matter of procedure, DEP took exception to the ALJ's decision to convert CBP's opposition to DEP's motion for summary decision to a cross-motion for summary decision. Because the facts in this matter are undisputed and the issue before the court was purely one of regulatory interpretation, it was procedurally proper for ALJ Crowley to convert CBP's opposition into a cross-motion for summary decision. See Shield v. Welch, 4 N.J. 563, 566-67 (1950) (allowing the court to enter summary judgment sua sponte for the non-moving party). In addition, there was no lack of due process for DEP because CBP opposed DEP's motion for summary decision and DEP filed a reply brief in response to CBP's opposition brief. DEP asserted there were no disputed issues of material fact and that relief was warranted as a matter of law. Thus, there was no procedural impropriety in the conversion of CBP's opposition to a cross-motion for summary decision.

> The performance of sewerage facilities, which are generally owned and operated by local and regional sewerage authorities, is dependent, in part, on how they are managed as well as upon controls exercised over the issuance of local approvals and additional sewage connection permits. Adequate monitoring and prudent management of such facilities is essential in order to prevent violations of their NJPDES permits or overflows of conveyance systems. It is the responsibility of the sewerage authority and/or treatment plant owner/operator to implement timely corrective actions and to ensure that additional connections to the treatment works do not result in such occurrences.
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> [N.J.A.C. 7:14A-22.1(b)]

This regulatory structure is set against the backdrop of the Water Pollution Control Act, which established the State's policy to "restore, enhance and maintain the chemical, physical, and biological integrity of its waters, to protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to enhance the domestic, municipal, recreational, industrial and other uses of water." N.J.S.A. 58:10A-2.

The plain text and structure of N.J.A.C. 7:14A-22.8(a) support the holding that DEP lacks the regulatory authority to review a TWA application that lacks the consent of the wastewater treatment facility owner. The pertinent part of N.J.A.C. 7:14A-22.8(a) is outlined below:

> (a) Persons who propose to build, install, or modify treatment works that require the Department's approval pursuant to this subchapter, shall submit the following information and documents in the manner prescribed in this subchapter: . . .
>
> 3. A resolution and/or written statement of consent from the affected municipality, sewerage authority, owner of the receiving treatment plant, owner/operator of the wastewater conveyance system into which the project will directly connect, and the district sludge management lead planning agency (if applicable, see (a)3ii below) or completion of the Department's form WQM003.
>
> v. If an applicant is unable to obtain the required written statement of consent, then the applicant may choose to follow the procedures stated in (a)3v(1) through (5) below. . .
>
> (5) When the affected municipality or sewerage authority does not issue either a written statement of consent or a denial of the request for consent, the Department,

> upon receipt of proof that the applicant has delivered to the affected agency a written request for a written statement of consent, shall review the reasons for the lack of consent or denial, if known on the basis of reasonably reliable information. Any such reasons shall be considered by the Department in determining whether to issue a treatment works approval or sewer connection approval in accordance with this subchapter.
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> [N.J.A.C. 7:14A-22.8(a)3v(5) (emphasis added).]

A question of regulatory interpretation always begins with the plain language of the statute or regulation. Miah v. Ahmed, 179 N.J. 511, 520 (2004). The plain language of the regulation should be afforded its ordinary meaning. Merin v. Maglaki, 126 N.J. 430, 434-35 (1992). The plain language should also be viewed "in context with related provisions so as to give sense to the legislation as a whole." N. Jersey Media Grp., Inc. v. Twp. of Lyndhurst, 229 N.J. 541, 570 (2017) (quoting DiProspero v. Penn, 183 N.J. 477, 492 (2005)). If the plain language leads to a clear result, then the interpretative process is over. Richardson v. PFRA, 192 N.J. 189, 195 (2007).

A plain reading of N.J.A.C. 7:14A-22.8 supports the conclusion that N.J.A.C. 7:14A-22.8(a)3v(5) applies only when an affected municipality or sewerage authority withholds consent. While N.J.A.C. 7:14A-22.8(a)3v sets out an alternate path for an applicant that cannot get consent as required by N.J.A.C. 7:14A-22.8(a)3, a review of N.J.A.C. 7:14A-22.8(a)3v(1) through (5) clearly reveals that this path is limited only to when an "affected municipality" or "affected sewerage authority" withholds such consent. None of the other entities whose consent is required pursuant to N.J.A.C. 7:14A-22.8(a)3, including the receiving wastewater treatment plant, are mentioned and thus, the signature of the receiving wastewater treatment plant is mandatory. If DEP wanted to carve out an exception for obtaining consent from the owner of the receiving wastewater treatment plant it would have specifically included it somewhere in N.J.A.C. 7:14A-22.8(a)3v(1) through (5).

DEP's position is further supported by the regulatory history of N.J.A.C. 7:14A-22.8, which not only makes clear DEP's intention to require consent from the owner of the receiving treatment plant, it helps to explain the reasonable and practical purposes for doing so:

> The TWA program does not allocate flow capacity for projects subject to TWA. This is the responsibility of the owner of the receiving wastewater treatment plant and owner/operator of the wastewater conveyance system into which the project will directly connect. Subject to meeting all other administrative and technical requirements, TWAs can be processed for approval, as long as the owner of the receiving wastewater treatment plant and owner/operator of the wastewater conveyance system into which the project will directly connect consent to the additional flow anticipated from the project. Such consent is one of the TWA administrative requirements found in N.J.A.C. 7:14A-22.8(a)3.
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> [41 N.J.R. 142(a) (Jan. 5, 2009).]

The Initial Decision is therefore contrary to the applicable TWA regulations and undermines DEP's purpose in requiring consent from the wastewater treatment facility owner to protect public health and maintain the integrity of New Jersey's waters. It is the responsibility of the wastewater treatment facility owner, not DEP, to ensure that it can accept the additional flow from the project and that it will therefore be able to continue to comply with its NJPDES permit. 41 N.J.R. 142(a). This interpretation also aligns with the general policy and purpose of the TWA program: "it is the responsibility of the sewerage authority and/or treatment plant owner/operator to implement timely corrective actions and to ensure that additional connections to the treatment works do not result in [violations of their NJPDES permits or overflows of conveyance systems]." N.J.A.C. 7:14A-22.1(b). Consent from the owner of the receiving wastewater treatment plant is a non-negotiable requirement in a TWA application and cannot be waived.

The Initial Decision also failed to apply the appropriate deferential standard to DEP's interpretation and implementation of its rules. ZRB, LLC v. NJ Dep't of Envtl. Prot., 403 N.J. Super. 531, 549 (App. Div. 2008) (quoting In re Freshwater Wetlands Prot. Act Rules, 180 N.J.

478, 488-89 (2004)). Judicial deference to an agency's expert judgment is required, especially with regard to an agency's construction of its own regulations. In re Distrib. Of Liquid Assets upon Dissolution Reg'l High Sch. Dist. No. 1, 168 N.J. 1, 10-11 (2001); see also In re Fair Lawn Borough, Bergen Cnty, Motion of Landmark at Radburn, 406 N.J. Super. 433, 443 (App. Div.), *certif. denied*, 199 N.J. 542 (2009) (citing Shim v. Rutgers, 191 N.J. 374, 384 (2007)). DEP is tasked with the regulatory responsibility to ensure compliance with the TWA regulations both administratively and technically. The plain language of the TWA regulations makes clear that consent from the owner of the receiving wastewater treatment plant is mandatory and N.J.A.C. 7:14A-22.8(a)3v(5) does not provide an alternate path for a TWA approval in its absence. It is an undisputed fact that in this case, MCUA failed to provide consent as the owner of the receiving wastewater treatment plant on CBP's WQM-003 form, without which DEP cannot approve CBP's TWA application.

I also disagree with the ALJ's finding that DEP is required to provide CBP with a directive as to how to move forward if it lacks the regulatory authority to review the application. There is no regulatory requirement in N.J.A.C. 7:14A-22.8 or in any other TWA regulation that requires DEP to undertake such action. The reasons why MCUA does not wish to consent are irrelevant to this issue of regulatory interpretation and thus, there is no need to delve into the record regarding Woodbridge's position and/or contractual relationship with Carteret regarding sewer conveyance and cost-sharing of improvement projects. At the end of the day, MCUA has refused to consent to CBP's TWA application, and as a result N.J.A.C. 7:14A-22.8(a)3v(5) does not permit DEP to move forward with reviewing and/or approving CBP's application. DEP has no regulatory responsibility to interject itself into a dispute between two municipalities.

In sum, the Initial Decision failed to follow the plain meaning of N.J.A.C. 7:14A-22.8(a)3v(5) and improperly imposed requirements on DEP that are not set forth in the TWA regulations. I therefore REVERSE the ALJ's decision granting CBP's cross-motion for summary decision and GRANT DEP's motion for summary decision finding that DEP lacks the regulatory authority pursuant to N.J.A.C. 7:14A-22.8(a)3v(5) to review CBP's TWA application without the consent of MCUA, the wastewater treatment facility owner.

CONCLUSION

Having reviewed the record, and for the reasons set forth above, I hereby REVERSE the ALJ's Initial Decision, and GRANT DEP's motion for summary decision as set forth above. IT IS SO ORDERED.

Dated: November 18, 2024

Shawn M. LaTourette
Commissioner

CARTERET BUSINESS PARTNERSHIP, INC.,

v.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

OAL DKT. NO.: EER 11734-23

AGENCY DKT. NO.: 46606, TWA 220038

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