

Judy Angloher

From: Charlie Kratovil <opra+request-93510-a86c86c0@requests.opramachine.com>
Sent: Friday, July 17, 2026 1:19 PM
To: Opra Request
Subject: OPRA request - WIPA Denial of Emergent Condition Certification

[You don't often get email from opra+request-93510-a86c86c0@requests.opramachine.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Warning: Unusual sender <opra+request-93510-a86c86c0@requests.opramachine.com>

You don't usually receive emails from this address.
Make sure you trust this sender before taking any actions.

Dear Matawan Borough,

Please accept this electronic request for public records made under OPRA and the common law right of access. I am not required to fill out an official form or use a particular software platform to submit my request per NJSA 47:1A-5(f), which states that an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request.

I HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

I WILL NOT use the requested government records for a commercial purpose.

I AM NOT seeking records in connection with a legal proceeding.

Records requested:

Please provide a copy of the NJ DEP's decision denying emergent condition certification under the WIPA.

My preferred delivery method for response(s) to this request is by E-mail and I have received this request. If you are not the custodian of records, please forward their email address to me for future reference.

AGENCY USE ONLY	
Tracking Information	Final Cost
Tracking #	Total
Rec'd Date 7-20-26	Deposit
Ready Date 7-29-26	Balance Due
Total Pages	Balance Paid
Records Provided	
7-20-26 - File complete - See attached email	
Judy Angloher Custodian Signature	7-20-26 Date

Yours faithfully,

Charlie Kratovil

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-93510-a86c86c0@requests.opramachine.com

Is opra.request@matawanborough.com the wrong address for OPRA requests to Matawan Borough? If so, please contact us using this form:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fchange_request%2fnew%3fbody%3dmatawan_borough&c=E,1,BR8_rf7WfOrKZy_CkgD8sWFGn_zd_RnFPAqWxqAgIWaOo9vZqNYSFkwX5FcADj_oiRGtUX-KlrTAmYdbK1XvRxWMQ5oDltFi8QdAhv0uiw29ZUBcyHcB&typo=1

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fhelp%2fofficers&c=E,1,RaN_sEJXvLf-SF7_qirrExm31DFHGaoLi-Bgxu2nrlKryonBFYoXOHx9_yz7v3EGehpXKevd3TONvspLDKoWj-2HsRm13kozLuYptF0fyg,,&typo=1

View this OPRA request & responses online:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2frequest%2fwipa_denial_of_emergent_condition&c=E,1,p85tWqykxEvIY3kAiUFJ6tyZVC4Uz6iZWXCqfRrrj-no848EQ5BXTpoZcSDkzkmX3UKIIBAw4gWYzC05kul9Sly_YqO3vfEgCKkcQ8oElZR8YBaZTmrP&typo=1

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

"OPRAmachine's mission is to give people easy and affordable access to New Jersey public records.

For more information, contact us at: (732) 707-1628 or PO Box 3180, New Brunswick, NJ 08903."



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WATER QUALITY

OFFICE OF THE DIRECTOR

401 East State Street

P.O. Box 420, Mail Code 401-02B

Trenton, New Jersey 08625-0420

Tel. (609) 292-9977

www.nj.gov/dep

PHILIP D. MURPHY

Governor

TAHESHA L. WAY

Lt. Governor

SHAWN M. LATOURETTE

Commissioner

November 06, 2025

Borough of Matawan
201 Broad Street
Matawan, NJ 07747
Attn: Ryan Michelson, Borough Administrator
Via Email Only: ryan.michelson@matawanborough.com

**Re: Water Infrastructure Protection Act – Borough of Matawan
Emergent Condition(s) Certification and Supporting Information
New Jersey Department of Environmental Protection - Determination**

Dear Administrator Michelson:

The purpose of this letter is to provide the Department of Environmental Protection's (Department) determination regarding the Borough of Matawan's (Borough) Emergent Condition Certification, in accordance with the Water Infrastructure Protection Act (WIPA), N.J.S.A. 58:30-1 et seq. In furtherance of its certification and consistent with WIPA's requirements, the Borough submitted Resolution No. 25-08-03, dated August 19, 2025, certifying that Emergent Conditions exist. The Borough also provided, and the Department reviewed, additional supporting information and documents, including but not limited to, the "Emergent Conditions Analysis – Borough of Matawan" report prepared by Remington & Verick Engineers dated July 2025 (the Emergency Conditions Analysis) in support of WIPA's Emergent Condition Nos. 1 (located in a Critical Area of Concern), Emergent Condition Nos. 4 (lack of historic investment, repair, or maintenance) and Emergent Condition No. 5 (lack of financial, technical, or managerial capacity) and "Borough of Matawan Water and Sewer Systems Asset Valuation" report prepared by NW Financial Group, LLC, dated July 2025 (the Asset Valuation).

Based upon a review of the information provided, and after consultation with the New Jersey Department of Community Affairs (DCA), the New Jersey Infrastructure Bank (I-Bank), and New Jersey Board of Public Utilities (BPU) staff members, the Department denies the Borough's Emergent Condition Certification as to Emergent Condition No. 1, Emergent Condition No. 4, and Emergent Condition No. 5 as grounds for the sale or long-term lease of its water and wastewater systems. The basis for this determination is below.

Emergent Condition No. 1

The Department has determined that the Borough does not meet this condition inasmuch as the condition of the systems do not present serious risks to the integrity of the drinking water of the Borough nor the environment. See N.J.S.A. 58:30-2. While the Borough's systems are located within Critical Water Supply

Area #1, as designated by the Department, the Emergent Conditions Analysis does not support a determination that the systems are threatened in such a way that the Borough's ability to provide adequate drinking water and wastewater services is at risk. As further detailed below, the assets of the systems are generally in good or fair condition, and the information submitted indicates the Borough has the capability to adequately maintain the systems. The Department has determined that Matawan's systems do not meet this qualification since the information indicates Matawan's systems are protective of the critical water resources within Critical Water Supply Area #1.

Emergent Condition No. 4

The Department has determined that the Borough has not sufficiently demonstrated a lack of historical investment, repair, or sustainable maintenance as required under N.J.S.A. 58:30-5.b(4). Emergent Condition No. 4 requires the applicant to demonstrate that there is a "lack of historical investment, repair, or sustainable maintenance as determined by the department, or material damage to the infrastructure of the system."

Here, while the Emergent Conditions Analysis notes that some pump stations and underground infrastructure are either near, at, or beyond their useful life, the information provided does not demonstrate that there is any "material damage" to the systems. Similarly, the information provided does not demonstrate a "lack of historical investment, repair, or sustainable maintenance." The information provided by the Borough indicates that the Borough has operated and maintained the systems in conformity with applicable laws and regulations. Indeed, Emergent Conditions Analysis states that the Borough has no outstanding enforcement actions or deficiencies that would impact compliance. The Borough has continued to invest in its systems, budgeting a combined \$1 million biannually for capital improvements, maintenance, and repairs to the systems. This budget allows for inspection and improvement of critical elements of the systems. Further, of the entirety of both systems, the Emergent Conditions Analysis report only identified five pump stations and certain underground infrastructure as meeting Emergent Condition No. 4. Regarding the underground infrastructure, an estimated 14.58% of water mains and 31.05% of sanitary sewer mains are beyond their useful life or will be within 10 years. However, as noted below, the Borough has not demonstrated that repair is beyond its capabilities. Additionally:

- Assets of the systems generally are in good/fair condition.
- The Middlesex Road Water Treatment Plant (WTP) underwent a renovation in 2012, which included replacement or upgrades to most of the treatment components.
- The pumps and motors of Well Nos. 3 and 4 were replaced in 2024.
- Sanitary sewer pump stations have generally been maintained and upgraded as necessary, with no capital improvements recommended in the next 10 years, although certain upgrades, some substantial, are recommended for some of the pump stations.

Based on these facts, the Department finds that the Borough does not meet Emergent Condition No. 4.

Emergent Condition No. 5

The Department has determined that the Borough has not sufficiently demonstrated a lack of financial, technical, or managerial capacity as required under N.J.S.A. 58:30-5.b(5). Emergent Condition No. 5 requires the applicant to demonstrate that it "lacks the financial, technical, or managerial capacity to adequately address any of the [first four Emergent Conditions] on a sustainable basis or own and operate the system in a way that supports economic activity in the municipality on a sustainable basis." While the Borough faces infrastructure and budgetary challenges, the supporting documentation does not establish



that these challenges exceed the Borough's ability to sustainably own and operate its water and sewer systems.

Regarding technical and managerial capacity, the Borough currently maintains 14 full-time public works employees and contracts with a third-party contractor to respond to emergency repairs. As noted above, the Borough does perform or contract for the completion of maintenance and upgrades to assets of the systems. The Borough has maintained compliance with applicable laws and regulations and is able to provide adequate wastewater and drinking water services for its users. The foregoing indicates adequate technical and managerial capacity.

Regarding rates, and although the information provided is somewhat unclear, it is the Department's understanding that the current rate structure was adopted by the Borough in 2014 with subsequent amendments in 2022, 2023, and 2024. Thus between 2014 and 2022 rates remained steady; however, as shown in the Asset Valuation, particularly Exhibit A thereto, rates have steadily increased since then and are scheduled to continue increasing through 2028. The Capital Improvement Plan (CIP) by Remington & Verick Engineers estimates that approximately \$3,600,313 per year for the next ten years will be needed to complete the CIP. Currently, the Borough budgets \$1 million annually for the systems, and, according to the Emergent Conditions Analysis, the Borough is unable to fund the CIP under the current rate structure and will need to increase rates. The Asset Valuation concludes that there is need for a 6.25% annual rate increase through at least 2028.

While, given the above, there is a need for system improvements and corresponding rate increases, the information provided does not demonstrate a lack of financial capacity. Considering the anticipated needs through the next ten years, the Asset Valuation provides an estimate of the cumulative debt service over the next ten years; however, there is no discussion of how that is expected to impact rates. Only rates through 2028 are provided. In general, the information provided minimally analyzes impacts, both positive and negative, if the Borough continued to own and operate the systems. Further, there is no indication of the expected rate structure differences between public and private ownership, nor is there a comparison of rates from similar local government-owned water and sewer systems to provide a perspective as to whether rates are affordable. While the Asset Valuation acknowledges the availability of funds from the I-Bank, the impact these potential funds could have on the economics and capacity of funding improvements to the systems is not discussed.

In certain places, the Asset Valuation does not provide support for its conclusions. Regarding operations costs, the Asset Valuation provides no support for its conclusion that selling the systems to a private entity would result in an estimated greater than 20% reduction in operating costs. The Asset Valuation states that "economies of scale and procurement and regulatory requirements" would drive the reduction but provides no factual or analytical basis for this projection. Likewise, the Asset Valuation states that private ownership "will result in more efficient operations and deliver more profit to the bottom line than a public ownership structure," but similarly provides no basis for this statement.

Based on these findings, the Department concludes that the Borough does not meet Emergent Condition No. 5.

Thus, in accordance with N.J.S.A. 58: 30-5.b and e, the Department denies the Borough of Matawan's certification as to the existence of Emergent Condition No. 1, Emergent Condition No. 4, and Emergent Condition No. 5.

Nothing herein shall be construed to satisfy any other obligations under WIPA or any other applicable laws.



In addition to the Water Infrastructure Protection Act, other statutory options are available for municipalities and other local units to privatize in full or in part their water and/or wastewater treatment systems. Additional information can be found in the Department of Community Affairs Local Finance Notice 2017-11 available here: <https://www.nj.gov/dca/divisions/dlgs/lfns/17/2017-11.pdf>.

If you have any questions, please feel free to contact Jennifer Feltis Cortese of my staff at jennifer.feltis@dep.nj.gov.

Sincerely,



Susan Rosenwinkel
Director
Division of Water Quality

cc:

[Dean Taklif](#), Director, Division of Water, Board of Public Utilities
[Terel Klein](#), Deputy Attorney General, Division of Law
[Jason R. Martucci](#), Esq., Division of Local Government Services, NJ Department of Community Affairs
[Kristen Heinzerling](#), Deputy Attorney General, Division of Law
[Elizabeth Delahunty](#), Deputy Attorney General, Division of Law
[Alysia Walsh](#), Deputy Director, Office of the State Comptroller
[Patricia Gardner](#), Assistant Commissioner, Water Resources Management
[Patricia Ingelido](#), Director, Division of Water Supply & Geoscience
[Linda Ofori](#), Director, Division of Water and Land Use Enforcement
[Chelsea Brook](#), Executive Assistant, Water Resource Management
[Margaret Cyr-Ohngemach](#), Regulatory Officer, Water Resource Management
[Keiona Miller](#), Director, Office of Local Government Assistance
[David Zimmer](#), Executive Director, New Jersey Infrastructure Bank
[Andrew Koske](#), Regulatory Officer, Division of Water Quality

