

RESOLUTION 2008-38

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL PROPOSED WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR HAMPTONS AT POHATCONG, POHATCONG TOWNSHIP

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council);

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) had adopted rules at N.J.A.C. 7:38-1.1 et seq. (Highlands Rules) governing the NJDEP's review of projects in the Highlands Region; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-1.1, specifies that upon adoption of the Regional Master Plan, NJDEP shall not approve a Water Quality Management Plan (WQMP) amendment for a project proposed in the Planning Area or Preservation Area of the Highlands Region without first obtaining a consistency determination from the Highlands Council; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-1.1, were adopted in accordance with the Highlands Act as well as the Water Quality Management Act which specifically requires a continuing planning process to coordinate and integrate water quality management plans with related Federal, State, regional and local comprehensive land use, functional and other relevant planning activities; and

WHEREAS, a proposal has been submitted that consists of a proposed amendment to the Upper Delaware WQMP submitted on behalf of EAI Investments, LLC, for an expansion of the Phillipsburg STP sewer service area to include the proposed Hamptons at Pohatcong development (Block 93, Lots 4 and 5) in Pohatcong Township, Warren County; and

WHEREAS, consistent with NJDEP's Highlands Rules at N.J.A.C. 7:38-1.1, and the procedures adopted by the Highlands Council pursuant to Resolution 2007-18 for review of WQMP amendments for a proposed project, Highlands Council staff conducted a consistency determination for the Proposed Amendment based upon the standards and policies set forth in the adopted Regional Master Plan (RMP); and

WHEREAS, the Highlands Council duly considered the Proposed Amendment, the Highlands Council staff consistency determination, which was posted on the Highlands Council website, and all public comments;

NOW, THEREFORE, BE IT RESOLVED by the Highlands Council that the Executive Director is hereby authorized to provide the consistency determination to NJDEP on behalf of the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on the 18th day of September, 2008.



John Weingart, Chairman