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JOHN R. WEINGART
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EILEEN SWAN
Executive Director

September 23, 2008

Mr. Lawrence J. Baier, Director
Division of Watershed Management
New Jersey Department of Environmental Protection
P.O. Box 418
Trenton, NJ 08625-0418

Re: Proposed Amendment to the Upper Delaware Water Quality Management Plan
Holland Township Wastewater Management Plan

Dear Mr. Baier:

On behalf of the Highlands Water Protection and Planning Council (Highlands Council), in accordance with N.J.A.C. 7:38-1.1(k), please accept the enclosed Consistency Determination (CD) on the above-referenced proposed amendment. The CD for the Proposed Amendment is based upon our review of the project file as provided to us by the applicant, Highlands Council information and public comment, relative to the standards and policies set forth in the adopted Regional Master Plan (RMP). The Highlands Council approved a resolution on September 18, 2008 authorizing the Executive Director to provide this CD to NJDEP on behalf of the Highlands Council.

Please find also enclosed a document that summarizes the public comments received on the Highlands Council's draft CD. The Highlands Council finds that the Holland Township Wastewater Management Plan, development regulations, and master plan elements are for the most part inconsistent with RMP Policies and Objectives, but have some provisions that are fully or nearly (e.g., Conservation Zone septic system density) consistent with the RMP. Primary inconsistency issues include:

1. The WMP proposes extension of both public water supply and Sewer Service Area (SSA) into the Conservation Zone and the Conservation – Environmentally Constrained Sub-Zone.
2. The WMP does not demonstrate that water demands for the proposed development in the SSA will not exceed Conditional Water Availability (all of the HUC14s are Current Deficit Areas), nor is provision made for mitigation of additional consumptive/depletive water uses.

3. The applicant applies their proposed septic system densities to the entire proposed “CA District” zone (approximately 92% of the municipality), but these densities are significantly less stringent than the Highlands Councils Protection Zone densities for the Planning Area, and the NJDEP Preservation Area densities for the relevant portion of the municipality.
4. The WMP does not indicate inclusion of municipal ordinances that would provide for consistency with the resource management and protection requirements of the RMP with the exception of the draft CA District ordinance. However, the draft CA District ordinance does not provide for mandatory clustering for residential development in the Agricultural Resource Area.
5. Highlands Contaminated Site Inventory Tier 1 and Tier 2 sites are discussed in the WMP in reference to the status of their treatment facilities, but redevelopment of these sites is not addressed. The WMP, master plan elements, and development regulations do not indicate inclusion of smart growth principles or programs that promote community and neighborhood design, redevelopment opportunities, or infill development.

These policies and the inconsistencies are described in more detail in the CD.

If you have any questions or comments regarding this matter, please feel free to contact me at (908) 879-6737.

Sincerely,

Eileen Swan
Executive Director

Enclosures – Consistency Determination
Public Comment Summary