

A RESOLUTION authorizing the Executive Director to amend the Commission's administrative agreement with the New Jersey Department of Environmental Protection (NJDEP).

WHEREAS, Section 1.5 of the *Delaware River Basin Compact* (the *Compact*) authorizes the Commission to utilize existing agencies for the purpose of the *Compact* to the fullest extent it finds feasible and advantageous;

WHEREAS, Section 3.9 of the *Compact* provides that the Commission shall promote and aid the coordination of the activities and programs of federal, state, municipal and private agencies concerned with water resources administration in the Delaware River Basin;

WHEREAS, the Commission's *Rules of Practice and Procedure*, at 18 C.F.R. § 401.33, authorizes and directs the Executive Director to enter into cooperative Administrative Agreements ("AAs") with federal and state regulatory agencies concerned with the review of projects under federal or state law in order: (a) to facilitate the submission and review of applications and determinations required under Section 3.8 of the *Compact*; (b) to avoid unnecessary duplication of staff functions and hearings required by law; and (c) for such other and different purposes as the Executive Director may deem feasible and advantageous for the administration of the *Compact* or any other law;

WHEREAS, the Commission's *Rules of Practice and Procedure*, at 18 C.F.R. § 401.42, establishes a One Permit Program to provide the opportunity for an environmental agency of a Signatory Party and the Commission to coordinate and collaborate in the administration of a single process for the review and adjudication of projects;

WHEREAS, in accordance with 18 C.F.R. §§ 401.33 and 401.42, the Commission and NJDEP are party to an AA dated March 2015, under which the One Permit Program is implemented for certain wastewater discharge and water allocation projects located in the New Jersey portion of the Basin;

WHEREAS, staff of the Commission and the NJDEP have jointly drafted revisions that would amend the existing AA by: (i) including within the categories of projects managed under the Commission's One Permit Program underground storage caverns as contemplated by NJDEP's regulations codified at Title 7, Chapter 1F of the *New Jersey Administrative Code*; (ii) removing provisions that are no longer necessary or applicable concerning the transition to the One Permit Program; and (iii) updating certain citations, language and procedures to align with recent regulatory changes and with current terminology and practice, and to eliminate redundancy;

WHEREAS, the Draft AA was the subject of a duly noticed public hearing conducted by the Commission on November 8, 2023; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director is authorized and directed to execute an administrative agreement with NJDEP that in all material respects conforms to the Draft AA duly noticed for hearing on November 8, 2023, except where changes within the parameters established by 18 C.F.R. § 401.42 are deemed appropriate and are a logical outgrowth of the published draft.
2. The effective date of the amended administrative agreement shall be the later of its execution date or such other mutually convenient date as may be set forth in the agreement.

BY THE COMMISSION

Adopted: