

**RESOLUTION 2025-
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF PUBLIC HEALTH AND SAFETY WAIVER FOR NEW JERSEY
AMERICAN WATER**

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

WHEREAS, pursuant to N.J.A.C. 58:1A-15.1. (Water Supply Management Act), no action may be taken by the New Jersey Department of Environmental Protection (NJDEP) that is inconsistent with the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or the Highlands regional master plan adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8); and

WHEREAS, the Highlands Council and the NJDEP operate under a Standard Operating Procedure that outlines the responsibilities and requirements or each related to the review of Water Allocation Permits and Safe Drinking Water Permits issued under the authority of the Water Supply Management Act; and

WHEREAS, New Jersey American Water (NJAW) has applied to the NJDEP to extend an existing water main in Washington Township, Warren County to provide safe drinking water for 142 properties with private wells contaminated with elevated levels of perfluoroalkyl and polyfluoroalkyl substances (PFAS); and

WHEREAS, portions of the water main extension project are to be located in the Conservation Zone and Conservation Environmentally-Constrained Subzone of the Regional Master Plan (RMP) Land Use Capability Zone Mapping. RMP Objective 2J4a prohibits new, expanded or existing public water systems in the Conservation Zone except where there “is a documented existing or imminent threat to public health and safety from contaminated domestic and other on-site water supplies that is of sufficient scale to justify a public water supply and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety”; and

WHEREAS, in accordance with RMP Policy 7G2 “[f]or both the Preservation Area and the Planning Area, a waiver may be issued by the Highlands Council on a case-by-case basis from the requirements of the RMP or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation. Any waiver issued shall be conditioned upon a determination that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible”; and

WHEREAS, NJAW is seeking a public health and safety waiver from the Highlands Council; and

WHEREAS, the Highlands Council released the Highlands Council Staff Recommendation Report (“Recommendation Report”) pertaining to the NJAW Water Main Extension Public Health and Safety Waiver dated May 13, 2025, for public comment; and

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WHEREAS, the Highlands Council held a public comment period commencing May 13, 2025, and ending June 13, 2025; and

WHEREAS, the Highlands Council duly considered the Recommendation Report of the NJAW Water Main Extension Public Health and Safety Waiver and any public comments on the proposed Public Health and Safety Waiver; and

WHEREAS, after Highlands Council staff review, staff recommended that the Highlands Council approve the proposed Public Health and Safety Waiver with the conditions set forth in the Recommendation Report, dated May 13, 2025, which is incorporated by reference into this Resolution; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to the expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED, the Highlands Council hereby

- (1) Adopts the findings of fact and conclusions based thereon set forth in the Recommendation Report, dated May 13, 2025; and
- (2) Based on said findings of fact and conclusions, approves the Public Health and Safety Waiver sought by New Jersey American Water with conditions as set forth in the Recommendation Report and finds the project consistent with the Highlands Act and the RMP; and
- (3) Authorizes the Executive Director to approve future extensions of public water service into the Conservation Zone and the Conservation Environmentally Constrained Subzone to service existing development, provided adequate proof of the need due to PFAS contamination is submitted by EPA or NJDEP; and
- (4) Authorizes the Executive Director to prepare a document informing the NJDEP of the Public Health and Safety Waiver and findings of consistency.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its meeting held on 19th day of June 2025.

Carl J. Richko, Chairman

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Vote on the Approval of This Resolution	Motion		Second		Yes		No		Abstain		Absent
Councilmember Alstede											
Councilmember Bush											
Councilmember Dougherty											
Councilmember Dressler											
Councilmember Francis											
Councilmember James											
Councilmember Kibler											
Councilmember Van Abs											
Councilmember Visioli											
Chairman Richko											