



For Immediate Release

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**NJ APPELLATE DIVISION STRIKES DOWN
NJDEP APPROVAL OF DEVELOPMENT AND
INVALIDATES NJDEP STORMWATER CHECKLIST**

Trenton, NJ - Today the New Jersey Appellate Division struck down the New Jersey Department of Environmental Protection's (NJDEP) issuance of freshwater wetlands and stormwater approvals for the CareOne development in Hamilton Township, NJ, on the grounds that NJDEP relied on an improper method to determine whether the project had sufficient stormwater protections. The lawsuit was initiated by Residents for Enforcement of Existing Land Use Code and was joined by the Delaware Riverkeeper Network as *amicus curiae* (a friend of the court).

One of the many issues raised in the lawsuit was that NJDEP failed to ensure that the CareOne development sufficiently controlled the stormwater flowing from its site. NJDEP typically uses a point system to determine whether a particular development meets the requirement to implement stormwater strategies that eliminate and minimize environmental issues associated with stormwater mismanagement, such as flooding and water quality impacts. However, the court found that NJDEP's point system had not been properly vetted through the rulemaking process.

"We've taken significant strides towards strengthening stormwater regulation in New Jersey today," said **Maya van Rossum, the Delaware Riverkeeper**. "New Jersey is the most densely populated state in the country. With the state's ever-expanding development and the impervious surfaces that follow it, the consequences of mismanaged stormwater – like flooding, increased water pollution, aquifer depletion, and aquatic and terrestrial habitat destruction – are only heightened. Today's ruling will cause New Jersey to take informed comments from the public if it wants to continue to rely upon its point system for considering stormwater impacts from proposed projects. Right now, NJDEP is failing to minimize the adverse impact of stormwater runoff from development sites like CareOne – striking down the approvals for this project and ensuring a better stormwater review for all future projects is sorely needed in New Jersey. We are pleased with the Court's thoughtful decision."

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