

# Proposed WQMP Rule Changes

Stakeholder Meeting

February 2014

# 2008 WQMP Rule

- Comprehensive approach addressing:
  - Water quality/water quantity
  - Surface water/ground water
  - Point sources/nonpoint sources
- Proscriptive approach required:
  - Demonstration of technical feasibility of infrastructure solutions (build out/20 year scenario);
  - Local actions for groundwater protection and NPS controls (zoning changes, ordinances)
- Consequences for non-compliant WMPs

# Experience with Implementation

- Time needed for WMP development far exceeded expectations
- Numerous extensions granted
- SSA delineations prioritized through legislation; consequences held in abeyance

# Need for change clear

- Experience with implementation
- Diverse stakeholder dialogue
- GOAL:
  - Need an efficient process
    - Yielding effective water quality outcomes
    - Based on regional needs and priorities

# Outcome of dialogue

- Numerous sector-specific meetings
- What we heard:
  - Make water quality planning more relevant to the new paradigm of comprehensive water resource management (set of water-related priorities for a region)
  - Need criteria-based approach matched to regional water quality issue; shouldn't be proscriptive
  - Priorities change and therefore static maps don't make sense
  - Mapping doesn't address the links between quality and quantity

# Outcome of dialogue

- What we heard:
  - Focus on resources to be protected; controls available
  - Should focus on the science of water quality concerns (capacity, withdrawals, CSOs, etc.) and potential impacts
  - Should incentivize “doing the right thing”
  - Need flexibility to allow for innovative options, yet assure water quality concerns are adequately addressed
  - Planning (including maps) provides some certainty for investment

# Outcome of dialogue

- What we heard:
  - SSA maps not developed through informed process, sometimes with inadequate data
  - Should help support and encourage sustainable growth
  - Use opportunities to focus on balance between areas for investment in growth and preservation
  - Return to the previous nested approach of CWA: 303 (watershed); 208 (regional); 201 (facility)
  - Develop a strong Statewide WQMP that supports regional planning
  - Need more partnership to be truly comprehensive

# Re-Evaluation Process

- Assessed feedback from affected and interested parties pre and post 2008 rule
- Examined underlying Federal and State Statutes and Laws:
  - Federal Clean Water Act (CWA)
  - NJ Water Quality Planning Act (WQPA)
- Surveyed programs in effect in other states to implement CWA Continuing Planning Process (CPP) and compared to NJ approach

# Vision for New WQMP Rule

- Maintain comprehensive perspective through Statewide WQMP
- Forward looking to capture secondary/cumulative impacts
- Performance-based management strategies are basis of consistency
- Technical merit of specific solutions for these strategies determined through permitting programs

# How Do We Get There?

- Wastewater Management Plans
- Statewide Water Quality Management Plan
- Consistency determinations
- Amendments

# Wastewater Management Plan Components

- SSA delineation
- Wastewater capacity analysis:
  - Wastewater generation potential of SSAs
  - Existing infrastructure capacity
- Nitrate capacity analysis:
  - Apply nitrate dilution model
  - Determine where allowable land use does not align with model outputs

# Statewide WQM Plan

- Update to reflect current framework for accomplishing required elements of Continuing Planning Process
- Address Statewide issues, including comprehensive set of strategies to control nonpoint sources—regulatory and non-regulatory
- Integrated List, 303(d) List, TMDLs

# Consistency Determinations

- Eliminate separate review process; Integrate with relevant permit processes
- SSA: Consistency review based on mapping
  - If inconsistent, amendment needed
- Wastewater infrastructure: Consistency review will be performance based
  - Consistent if they meet technical criteria for permit

# Types of Amendments

- Amendments to Statewide WQMP for
  - 303(d) List
  - TMDLs
- Amendments to Areawide WQMPs for SSA changes
- Statewide SSA mapping will be updated to reflect changes
- Inventory of infrastructure will be maintained

Questions?