

# Anticipated WQMP Program and Rules: Final Stakeholder Meeting

## GOALS

1. Provide details on rule making status & anticipated rule
2. Response to stakeholder comments/discussion



**NJDEP Water Resource Management**  
Assistant Commissioner, Dan Kennedy



# Final WQMP Stakeholder Meeting

## AGENDA

- **Introduction**
- **DEP Presentation** (30 min)
  1. Subchapter by Subchapter Overview
    - a) Anticipated Rule Outline
  2. CWA / CPP: How new proposal meets laws?
    - a) Statutory Requirements crosswalk
  3. Legislative Language / Extension perspective
  4. T&E / Other Areas of DEP
  5. DEP Capacity & Working Together: Office of WRM Coordination (OWRMC), Planning & Permitting Working Together
    - a) Role of the TWA Capacity Assurance Program (CAP)
- **Discussion/ Questions/ Dialogue** (remainder of meeting)

# Anticipated Subchapter Overview

## SUBCHAPTER 1. GENERAL PROVISIONS AND PLANNING REQUIREMENTS

**7:15-1.1 Purpose and scope**

**7:15-1.2 Definitions**

**7:15-1.3 Validity of water quality management plan amendments and revisions**

**7:15-1.4 Construction and severability**

## SUBCHAPTER 2. PLANNING ENTITIES AND PLANNING RESPONSIBILITIES

**7:15-2.1 Role of the Department, designated planning agencies and wastewater management planning agencies**

**7:15-2.2 Responsibility of County Boards of Chosen Freeholders, sewerage authorities and municipal authorities, and municipalities**

**7:15-2.3 Alternative assignment of wastewater management planning responsibility**

**7:15-2.4 Coordination of planning activities within regional planning areas**

# Anticipated Subchapter Overview

## SUBCHAPTER 3: 303(d) WATER QUALITY LIMITED WATERS LISTS AND TOTAL MAXIMUM DAILY LOADS

**7:15-3.1 Listing of 303(d) water quality limited waters**

**7:15-3.2 Total maximum daily loads**

**7:15-3.3 Amendment procedures for 303(d) List and TMDLs**

# Anticipated Subchapter Overview

## SUBCHAPTER 4. AREAWIDE WATER QUALITY MANAGEMENT PLAN REVISION AND AMENDMENT REQUIREMENTS

**7:15-4.1 Types of modifications to areawide WQM Plans**

**7:15-4.2 Wastewater management plan development and submittal schedule**

**7:15-4.3 Structure and components of wastewater management plans**

**7:15-4.4 Delineation of sewer service areas**

**7:15-4.5 Required analyses for wastewater management plans**

**7:15-4.6 Habitat suitability determinations**

**7:15-4.7 Structure and components of site-specific amendments**

**7:15-4.8 Revisions**

**7:15-4.9 Water quality management plan data and mapping format**

# Anticipated Subchapter Overview

## SUBCHAPTER 5. PLAN CONSISTENCY, REVISION, AMENDMENT

**7:15-5.1 Water quality management plan consistency assessment**

**7:15-5.2 Water quality management plan revision procedures**

**7:15-5.3 Water quality management plan amendment procedures**

**7:15-5.4 Appeals of Department decisions**

# Anticipated Subchapter Overview

## SUBCHAPTER 6. WATERSHED MANAGEMENT GRANTS

**7:15-6.1 Scope and purpose**

**7:15-6.2 Project priority system and project priority award list**

**7:15-6.3 Pre-application procedures**

**7:15-6.4 Application procedures for grants for watershed management activities**

**7:15-6.5 Project priority award process**

**7:15-6.6 Administration and performance of grants**

**7:15-6.7 Project changes: amendment of grant agreement**

**7:15-6.8 Noncompliance**

# Clean Water Act (CWA) Continuing Planning Process (CPP) CROSSWALK to Anticipated Rules and Programs *(SEE SPREADSHEET)*

- Role of Statewide WQMP
- Intergovernmental cooperation
- Role of NJPDES permitting
- 303(d) lists, TMDLs
- Inventory of infrastructure/ funding

# SUMMARY

## ANTICIPATED WQMP PROGRAM WILL MEET STATUTORY REQUIREMENTS

- The federal Clean Water Act (CWA) requires states to have a **Continuing Planning Process (CPP)** which includes the following:
  - Effluent limits and compliance schedules thereof;
  - Area wide water quality management plans (WQMP) & updates thereto via Wastewater Management Plans (WMPs);
  - Total Maximum Daily Loads (TMDLs);
  - Procedures for revisions;
  - Authority for intergovernmental cooperation;
  - Implementation of surface water quality standards (SWQS) through permits;
  - Controls on disposition of wastewater residuals; &
  - Inventory and ranking by priority of construction needs

# Anticipated Rule/ WQMP Program Crosswalk *(See spreadsheet)*

- Consistency Assessments
- Wastewater Management Plan (WMP)  
Development & Updates
- WQMP Revisions & Amendments
- Coordination with Regional Planning Entities
- Sewer Service Area Delineations, Build-out,  
Capacity
- Environmental Sensitive Areas

# DEP Response to Legislative Response / Program Criticism / Litigation = Regulatory & Program Overhaul

- Integrate consistency assessment into existing permitting programs;
- Retain very streamlined WMP as means to update WQM plans;
- Revise approach for addressing septic system areas that:
  - Preserve the conceptual objective of ground water quality protection
  - Preserve the critical elements that qualified NJ for NOAA/EPA certification of NPS program
- Maintain comprehensive perspective through Statewide WQMP which will include:
  - TMDLs that will serve as amendments to the relevant area-wide WQMPs;
  - Tool box of available water quality protection measures;
  - 303(d) lists;
  - All the areawide WQMPs
- Wastewater service area withdrawal provision will be removed from rule

# Consideration of Endangered and/or Threatened Species Habitat in Existing WQMP Regulations - Other Areas of DEP

## GOAL –

- Retain consideration of T&E and “right size” use of Landscape Maps
- Rely on Existing Regulatory & Non-Regulatory Programs

# Consideration of Endangered and/or Threatened Species Habitat in Existing WQMP Regulations - Other Areas of DEP

## Existing Statutory & Regulatory Protection/ Role of Landscape Maps

- Federal Protection
- FWPA Regulations
- FHCA Regulations
- CAFRA Regulations
- Highlands Regulations / RMP
- Pinelands CMP
- WQMP Regulations
- Municipal Land Use Controls

## Non-Regulatory Considerations

- Land Preservation (Public & Non-Profit)
- Stewardship Management
- Education
- Improved Construction Design
- Infrastructure Investment Strategies

# New NJDEP Office of WRM Coordination (OWRMC)

- Roles

- **Technical Support:**

- Working with counties and private property owners on Sewer Service Area (SSA) amendments, Wastewater Management Plans (WMPs), consistency assessments & all other related water quality management planning issues; &

- **Planning & Implementation:**

- Managing grant programs, statewide water quality planning and support for development / implementation of required CSO Long Term Control Plans / Integrated Plans

- **Coordination** between all three WRM programs:

- Water Supply & Geoscience, Water Quality, & Water Monitoring & Standards, with other DEP regulatory programs, & most importantly, with the regulated & planning communities.

# NJDEP– Division Water Quality

- Capacity Assurance Program
- Construction & Finance
- Treatment Works Approvals
- CSO Permit
- NIPDES Permits

- CAFRA
- Waterfront
- FHSA/ FWW
- Mitigation/ HSDs
- Environmental/ T&E Mapping

- Water Supply Permit
- Construction & Finance

PLANNING IMPLEMENTATION

**Office of Water  
Resource  
Management  
Coordination**

**NJDEP- Land Use  
Management**

**NJDEP- Water  
Supply & Geoscience**

**Regional Planning  
Entities**

**NJDEP- Water  
Monitoring & Standards**

- Delaware River Basin Commission*
- State Planning Commission*
- Pinelands Commission*
- Highlands Council*

TECHNICAL SUPPORT

- Sewer Service Area Relationship
- Consult/confer & Coordination
- Connection

- Science
- TMDLS
- Funding
- 303d

- Area wide WMP development
- WQMP Amendments/ revisions

**Counties and Municipalities**

# Role of the TWA Capacity Assurance Program (CAP) Existing Capacity Assurance Program N.J.A.C. 7:14A-22.16

- CAP is infrastructure and permit limit driven: designed to ensure permit limits are met and tied to sewer bans
- Whenever the “committed flow” reaches or exceeds **80%** percent of the permitted capacity of a treatment works, the participating municipalities and/or sewerage authorities shall submit to the Department **a program** to be implemented **in order to prevent an overloading of their facility or a violation of their NJPDES permit.**
- “Committed Flow” = actual flow (**3 most recent consecutive month average flow**) + the sum of all flows anticipated from approved, but not yet operational connections to the plan , as defined at NJAC 7:14A-1.2.

# Existing Water Quality Management Planning Requirements N.J.A.C. 7:15-5.25 (d)

- Designed to generally determine existing flows and area build out flows vs. existing plant capacities
- Determine the **existing flows** attributed to portions of the sewer service area that are connected to the facility based on the monthly average **over the most recent 12 months**, or the peak monthly average flow for treatment facilities that experience a seasonal peaks\*

**\*\* Note: Proposed revision to *highest 12 month average over 5 years* \*\***

# Existing WQMP Rules

- Potential wastewater generation from each SSA shall not exceed the permitted capacity of each facility. If it does:
  - Reduce the SSA; change the zoning, identify new or expanded treatment works or submit a plan to eliminate I/I for increase
  - For each new or expanded treatment works with a surface water discharge, perform an anti-degradation analysis

*Note: New rule anticipated to retain wastewater treatment needs analysis for build out and 20 year for urban areas, align with existing facilities where known, remainder planned/permitted as needed.*

# Results

- Planning rule looks over 5 year average and provides information to inform future decisions
- Infrastructure rule looks at 3 months to ensure permit limits are met; requires detailed analysis when capacity reaches 100%
- Concurrent Rule Proposal: December 2014/January 2015

DISCUSSION /  
QUESTIONS /  
DIALOGUE