

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF COASTAL AND LAND USE PLANNING

PROPOSED AMENDMENT TO THE TRI-COUNTY WATER QUALITY
MANAGEMENT PLAN; PROPOSED ADOPTION OF THE WOOLWICH
TOWNSHIP CHAPTER OF THE GLOUCESTER COUNTY WASTEWATER
MANAGEMENT PLAN

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Tri-County Water Quality Management Plan. The Tri-County Water Quality Management Plan covers Burlington, Camden and Gloucester Counties. This amendment proposal, submitted on behalf of the Board of Chosen Freeholders of Gloucester County as the responsible Wastewater Management Planning Agency, would adopt the Woolwich Township Wastewater Management Plan Chapter as part of the Gloucester County Wastewater Management Plan. The Woolwich Township Wastewater Management Plan Chapter has been prepared pursuant to the applicable sections of the Water Quality Management Planning rules at N.J.A.C. 7:15 and P.L.2011, c.203 enacted on January 17, 2012. If adopted, the Woolwich Township Wastewater Management Plan Chapter will supersede all wastewater service area mapping currently contained in the Tri-County Water Quality Management Plan for areas within Woolwich Township in Gloucester County. The Woolwich Township Wastewater Management Plan Chapter identifies areas to be served by sewage treatment facilities/sewer systems as well as areas to be served by individual subsurface sewage disposal systems (septic systems) with design flows of equal to or less than 2,000 gallons per day. The proposed Wastewater Management Plan Chapter modifies the previously approved sewer service areas for Woolwich Township to reflect the Township's

Master Plan and Transfer of Development Rights (TDR) program that was endorsed by the New Jersey State Planning Commission on April 18, 2008.

Pursuant to P.L. 2011, c.203, the Department, in consultation with the applicable wastewater management planning agency, may approve the inclusion of land within a sewer service area notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modification.

Based upon the new authority provided by P.L. 2011, c.203, the Department has determined that it is appropriate to approve a Future Sewer Service Area for Woolwich Township that does not currently have the assured capacity to treat wastewater from the area without infrastructure improvements or permit modification. The Department made this determination in recognition of the scope of the comprehensive land use planning completed and implemented by Woolwich Township which supports the protection of surface and ground water quality.

The Department's' proposed adoption of the Woolwich Township Wastewater Management Plan Chapter recognizes that additional issues must be addressed before any new or expanded wastewater treatment facility constructed to serve the Township's proposed Future Sewer Service Area may be built.. These issues may include, but are not limited to, compliance with the Department's Coastal Zone Management, Flood Hazard, Coastal and Freshwater Wetlands regulations as well as stormwater management, water quality, antidegradation and effluent limitations, and requirements related to the design, siting and requisite permitting of any treatment works to be expanded, retrofitted, or newly constructed to serve the Future Sewer Service Area. The Department's proposed adoption of this

Wastewater Management Plan Chapter recognizes that the physical provision of sewer service to any particular project site within the Future Sewer Service Area may also be subject to contractual allocations between the Township's franchised wastewater management authority, Aqua New Jersey, the Logan Township Municipal Utilities Authority, and/or private parties, and is not guaranteed by this amendment.

In accordance with N.J.A.C. 7:15-5, environmentally sensitive areas have been assessed to determine what areas are appropriately included in the proposed sewer service areas. Pursuant to N.J.A.C. 7:15-5.24, environmentally sensitive areas are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One (C1) special water resource protection areas, and wetlands, alone or in combination. These environmentally sensitive areas are not included in the proposed sewer service area except as noted below.

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine areas designated as threatened or endangered species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, versions 2.1 and 3.0, as applicable. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species are not included in the proposed sewer service areas except as provided under N.J.A.C. 7:15-5.24(e) – (h), or unless a site has undergone a site specific Habitat Suitability Determination prepared in accordance with N.J.A.C. 7:15-5.26 that found the site to be not suitable habitat, or pursuant with N.J.A.C. 7:15-5.24(g)2, the Department determined the environmentally sensitive areas are

not critical to a population of endangered or threatened species the loss of which would decrease the likelihood of the survival or recovery of the identified species.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not included in the proposed sewer service area, except as provided under N.J.A.C. 7:15-5.24(e) – (h).

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along Category One waters and their tributaries are not included in the proposed sewer service areas, except as provided under N.J.A.C. 7:15-5.24(e) – (h). The required buffer width is applied to both sides of a stream measured from the top of bank of an intermittent or perennial stream, or centerline if the bank is not defined, and from the defined edge of a lake, pond or reservoir at bank full flow or level. Category One waters, their tributaries, are afforded a 300-foot buffer. In addition, as required under N.J.A.C. 7:15-5.20(b)3, the proposed FWSA map text indicates that development in riparian zones, or designated river areas, may be subject to special regulation under Federal or State statutes or rules. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act Rules, the Stormwater Management rules, and the Water Quality Management Planning rules. Most development within these riparian zones is limited by these regulatory programs.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetland pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not included in the proposed sewer service area, except as provided under N.J.A.C. 7:15-5.24(e) – (h).

Pursuant to N.J.A.C. 7:15-5.24(d), areas with Federal 201 grant limitations that prohibit the extension of sewers to serve development in these areas are excluded from the proposed sewer service area either where local mapped information exists delineating these areas, or through a narrative from a reliable source where mapping does not exist. Where a narrative approach has been used, it is noted as text on the proposed FWSA. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this document and compliance is required.

As provided under N.J.A.C. 7:15-5.24(e) – (h), limited environmentally sensitive areas have been included in sewer service areas. Where applicable, Department Wetland, Flood Hazard, and State Open Water Permits or Jurisdictional Determinations have been utilized to determine the extent of the sewer service area on individual lots.

During the development of the Township's Master Plan and TDR program that was Endorsed by the New Jersey State Planning Commission on April 18, 2008, Woolwich Township relied on the Department's guidance and direction to prevent adverse impacts to environmentally sensitive areas. The Master Plan and TDR program endorsed by the State Planning Commission directs sewage producing development into two main areas and away from the Raccoon and Oldman's Creek waterways. In recognition that the Township's comprehensive land use planning and implementing ordinances direct growth to appropriate areas, the Department finds that, pursuant to N.J.A.C. 7:15-5.24(h), the Woolwich Township Future Sewer Service Area may include environmentally sensitive areas as defined at N.J.A.C. 7:15-5.24(b) as it is designed to accommodate center

based development and is an element of an endorsed plan approved by the State Planning Commission.

The Woolwich Township Wastewater Management Plan Chapter establishes through analysis that Woolwich Township's current Zoning Ordinances ensure that development outside of the Future Sewer Service Area utilizing Individual Sub Surface Disposal Systems (ISSDS, a.k.a Septic Systems) will not exceed the groundwater quality limit of 2.0 mg/L nitrate established by New Jersey's Ground Water Quality Standards (GWQS) rules at N.J.A.C. 7:9C. This analysis was conducted within a watershed or drainage basin known as "HUC 11" or "hydrologic unit code 11" which is an area where water drains to a particular receiving surface water body that is identified by the United States Geological Survey using an 11-digit hydrologic unit boundary designation. There are three HUC 11 watersheds that fall within Woolwich Township. They are Cedar Swamp / Repaupo / Clonmell Creek (HUC11 No. 02040202140), Raccoon / Birch Creek (HUC11 No. 02040202150) and Oldman's Creek (HUC11 No. 02040202160). The analysis verifies that the base conventional and cluster zoning, as well as the TDR zoning, is adequate to dilute the nitrate concentration of non-NJPDES (less than 2,000 gallons per day) groundwater discharges to 2 ppm based on the overall dilution available in each of the three listed watersheds.

The proposed Wastewater Management Plan Chapter notes that Woolwich Township will adopt an ordinance concerning development in riparian zones which recognizes that these zones may be subject to special regulation under Federal or State statutes or rules. The ordinance concerning development in riparian zones was introduced on April 2, 2012. Riparian zones or buffers in Woolwich Township are established along all surface waters, based on the surface water body's classification designated at N.J.A.C. 7:9B, under the following

regulations: the Flood Hazard Area Control Act Rules, the Stormwater Management rules, and the Water Quality Management Planning rules. Generally, new or expanded development within established riparian zones is limited by one or more of these regulatory programs. The Department will require that Woolwich Township adopt a Riparian Zone ordinance prior to the adoption of the Woolwich Township Wastewater Management Plan Chapter as part of the Gloucester County Wastewater Management Plan.

As provided under N.J.A.C. 7:15-5.24(e) – (h), limited areas of environmentally sensitive lands (less than 25 acres in size) remain included within the Woolwich Township Future Sewer Service Area. Additionally, where applicable, the Department's Freshwater Wetland, Flood Hazard, and State Open Water permits or Jurisdictional Determinations (Letter of Interpretation, a.k.a LOI) have been utilized to determine the limits of the sewer service area on individual lots

This preliminary notice represents the Department's determination that the Woolwich Township Wastewater Management Plan Chapter is in compliance with the regulatory criteria for identifying sewer service areas pursuant to N.J.A.C. 7:15-5.24 and 5.25. In accordance with P.L.2011, c.203, the Department will accept site specific amendment and revision applications to include additional lands within the Woolwich Township Future Sewer Service Area in Woolwich Township beginning on May 16, 2012. Information regarding an application for an amendment or revisions can be found at <http://www.nj.gov/dep/watershedmgt/wqmps.htm>.

Approval of this amendment would not eliminate the need for any permits, approvals, or certifications required by any Federal, State, County, or municipal review agency with jurisdiction over any project/activity. Approval of this

amendment would not provide any implied approval for any other aspects of any project or needed permits and approvals.

This notice is being given to inform the public that a plan amendment has been proposed for the Tri-County WQM Plan. All information related to the WQM Plan, and the proposed amendment is located at the Department, Division of Coastal and Land Use Planning, 401 East State Street, P.O. Box 420, Mail Code 401-07C, Trenton, New Jersey 08625. The Department's file is available for inspection between 8:30 a.m. and 4:00 p.m., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Division of Coastal & Land Use Planning at (609) 984-6888.

A public hearing on the proposed amendment will be held on July 9, 2012 at the Woolwich Township Municipal Building located at 120 Village Green Drive within Woolwich Township, New Jersey starting at 6 pm and ending 8 pm or close of testimony, whichever comes first.

Interested persons may submit written comments on the amendment to WQM Program Docket, Division of Coastal and Land Use Planning, at the Department address cited above, with a copy sent to

Anthony J. Zappasodi, Esq.
Director of Community Development
Township of Woolwich
120 Village Green Drive
Woolwich Township, New Jersey 08085
and
Mr. Rick Westergaard, PP/AICP

Planning Director, County Planning Division
Gloucester County Government Services Building
1200 North Delsea Drive
Clayton, New Jersey 08312

All comments must be submitted within 15 days following the public hearing. All comments submitted prior to the close of the comment period shall be considered by the Department in reviewing the amendment request.

Elizabeth Semple, Manager
Division of Coastal and Land Use Planning
Department of Environmental Protection

Date