

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF COASTAL AND LAND USE PLANNING

PROPOSED AMENDMENT TO THE UPPER DELAWARE AND UPPER
RARITAN WATER QUALITY MANAGEMENT PLANS

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP). Specifically, the Department is seeking public comment on a proposed amendment for all portions of Hunterdon County within the Upper Delaware and Upper Raritan WQMPs, with the exception of the municipalities of Bethlehem Township, Bloomsbury Borough, Califon Borough, Clinton Town, Clinton Township, Glen Gardner Borough, Hampton Borough, High Bridge Borough, Holland Township, Lebanon Borough, Lebanon Township, Tewksbury Township, and Union Township. In accordance with the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq., the Highlands Regional Master Plan developed and adopted by the Highlands Water Protection and Planning Council (Highlands Council), and the Plan Conformance process adopted by the Highlands Council, these municipalities, located within the area subject to the Highlands Regional Master Plan, will be developing municipal wastewater management plans, each of which will be submitted as separate proposed amendment to the applicable WQMP for that municipality. A map of the respective municipalities covered by the current proposed amendment is available for review on the Department website under Featured Topics at: <http://www.nj.gov/dep/wqmp/>.

This amendment proposal, submitted on behalf of the Board of Chosen Freeholders of Hunterdon County as the responsible Wastewater Management Planning Agency, would adopt a future wastewater service area map for Hunterdon County. This map has been prepared pursuant to P.L.2011, c.203 enacted on January 17, 2012, which permits the Wastewater Management Planning Agency to prepare and submit to the Department at least that portion of a wastewater management plan designating sewer service area, which shall comply with the Department's regulatory criteria. If adopted, this map, titled "Future Wastewater Service Areas (FWSA), Hunterdon County New Jersey", will supersede all wastewater service area mapping currently contained in the WQM Plan for areas within Hunterdon County, including that which was adopted into the WQM plan as part of approved wastewater management plans (WMPs). The map identifies areas to be served by sewage treatment facilities/sewer systems as well as areas to be served by septic systems with design flows of equal to or less than 2,000 gallons per day. The proposed map modifies the previously approved sewer service areas to eliminate environmentally sensitive areas that are not currently connected to sewer systems, as well as removes areas from sewer service based on local planning initiatives. Additional new areas have been proposed for sewer service based on local planning initiatives. This proposed amendment only modifies the wastewater service area mapping portions of the above referenced WQM Plans.

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. Therefore, amendments to update a sewer service area may be approved if such actions are compliant with

the applicable sections of the Water Quality Management Planning Rule (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. Additional issues which may need to be addressed for any new or expanded wastewater treatment facility proposal include, but are not limited to, compliance with stormwater regulations, antidegradation, effluent limitations, water quality analysis, and exact locations and designs of future treatment works. Additionally, sewer service to any particular project is subject to contractual allocations between municipalities, authorities 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 area 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 and all Highlands waters, 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 Highlands Water Protection and Planning 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 wetlands 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).

In accordance with 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 description where mapping does not exist. Where a narrative approach has been used, it is noted as text on the proposed FWSA map. 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 Permits or Jurisdictional Determinations have been utilized to determine the extent of the sewer service area on individual lots.

In recognition of the New Jersey Highlands Council's authority within the Highlands Region, pursuant to the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et. seq. (Highlands Act), sewer service area within the Highlands preservation area within Hunterdon County is subject to final approval from the Highlands Council. As required, the Highlands Council will be provided an opportunity to review sewer service areas within the Highlands Region for consistency with the adopted Regional Master Plan.

This preliminary notice represents the Department's determination that the County's proposed sewer service area 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 those site specific amendment and revision applications beginning May 16, 2012, the 120th day after the date of enactment. Information regarding application for these amendments and revisions can be found at <http://www.nj.gov/dep/wqmp/applications.html>.

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 does 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 Upper Delaware and Upper Raritan WQM Plans. All information related to the WQM Plans, 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 and Land Use Planning at (609) 984-6888.

A public hearing on the proposed amendment, for that portion of the proposed FWSA map of Hunterdon County within the Upper Delaware and Upper Raritan WQMPs, with the exception of the municipalities of Bethlehem Township, Bloomsbury Borough, Califon Borough, Clinton Town, Clinton Township, Glen

Gardner Borough, Hampton Borough, High Bridge Borough, Holland Township, Lebanon Borough, Lebanon Township, Tewksbury Township, and Union Township, will be held on October 15, 2012 in the Assembly Room, within Building #1, located at the Route 12 County Complex in Flemington, NJ 08822 from 6:30pm to 9:00pm, 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 Mr. Ken Bogen, Principal Planner, Hunterdon County Planning Department, Route 12 County Complex, P.O. Box 2900, Flemington, New Jersey 08822-2900. All comments must be submitted within 15 days following the October 15, 2012 public hearing. All comments submitted prior to the close of the comment period shall be considered by the Department in reviewing the amendment request.