

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

DIVISION OF COASTAL AND LAND USE PLANNING

Proposed Amendment to the Lower Delaware Water Quality 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 Lower Delaware Water Quality Management (WQM) Plan. This amendment proposal, submitted on behalf of the Cumberland County Board of Chosen Freeholders as the responsible Wastewater Management Planning Agency, would adopt a future wastewater service area (FWSA) map for Cumberland 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 (WMP) designating sewer service area (SSA), which shall comply with the Department's regulatory criteria. If adopted, this map, titled "Future Wastewater Service Areas, Cumberland County New Jersey," will supersede all wastewater service area mapping currently contained in the WQM Plan for areas within Cumberland County, including that which was adopted into the WQM Plan as part of approved 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 SSAs to eliminate environmentally sensitive areas (ESAs) 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 Plan.

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 SSA 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 SSA 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, ESAs have been assessed to determine what areas are appropriately included in the proposed SSAs. Pursuant to N.J.A.C. 7:15-5.24, ESAs 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 ESAs are not included in the proposed SSA 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 SSAs except as provided under N.J.A.C. 7:15-5.24(e) through (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 to N.J.A.C. 7:15-5.24(g)2, the Department determined the ESAs 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 SSA, except as provided under N.J.A.C. 7:15-5.24(e) through (h).

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along C1 waters and their tributaries are not included in the proposed SSAs, except as provided under N.J.A.C. 7:15-5.24(e) through (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. C1 waters and 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 SSA, except as provided under N.J.A.C. 7:15-5.24(e) through (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 SSA 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 ESAs, are unaffected by adoption of this document and compliance is required.

As provided under N.J.A.C. 7:15-5.24(e) through (h), limited ESAs have been included in SSAs. Where applicable, Department wetland, flood hazard, and state open water permits or jurisdictional determinations have been utilized to determine the extent of the SSA on individual lots.

In recognition of the nature and scope of the New Jersey Pinelands Commission's (Commission) regulation and oversight of land use and development within the Pinelands Area, the Department shall not require that environmentally sensitive areas, delineated at N.J.A.C. 7:15-5.24(b), be removed from an existing or proposed sewer service areas within a Regional Growth Area, Pinelands Town, Pinelands Village, or substantially developed portions of a Military and Federal Installation Area. For purposes of implementing the Department's WQMP rules at N.J.A.C 7:15, a Memorandum of Understanding between the Department and the Commission has been executed in which the Department recognizes the management area designations and boundaries established by the Commission for lands located within the Pinelands Area.

As depicted in the FWSA map, the County proposed to include Block 582, Lots 1, 10, and part of 1.10 in the FWSA. The Department has noted on the FWSA map that Block 582, Lots 1, 10, and part of 1.10 have been removed from the proposed FWSA pursuant to N.J.A.C. 7:15-5.24(b)1. A site specific Habitat Suitability Determination was prepared in accordance with N.J.A.C. 7:15-5.26, and upon review and a site visit, the Department determined that the site largely features suitable habitat for one or more Threatened and Endangered Species within the areas proposed for recreational and residential development. This final determination was mailed to the Cumberland County Department of Planning and Development with copy to the City of Millville and the landowner's consultant on May 1, 2012.

This preliminary notice represents the Department's determination that the County's proposed SSA, revised by the Department as outlined above, is in compliance with the regulatory criteria for identifying SSAs pursuant to N.J.A.C. 7:15-5.24 and 5.25. In accordance with P.L. 2011, c. 203, the Department is now

accepting site specific amendment and revision applications. Information regarding applications 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 an amendment has been proposed for the Lower Delaware 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 December 11, 2012 from 6:30 P.M. to 8:30 P.M., or close of testimony, whichever comes first, at the Cumberland County Extension 4HCenter, 291 Morton Avenue, Rosenhayn, New Jersey 08352.

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. Robert Brewer, Cumberland County Department of Planning & Development, 800 East Commerce Street, Bridgeton,

NJ 08302. 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, Acting Director
Division of Coastal and Land Use Planning
Department of Environmental Protection

10/8/12

Date