

## **Implementing the Water Quality Management Plan Rules**

The Water Quality Management Planning rule has required Wastewater Management Plans to be updated every six years since the 1980's. However, many of these Plans have not been updated in decades. The current Water Quality Management rule was readopted with amendments and became effective on July 7, 2008. The new rule assigns wastewater planning responsibility to counties and requires them to update Wastewater Management Plans.

### **What are Wastewater Management Plans?**

Wastewater Management Plans specify the preferred wastewater treatment alternative for all areas of the State. Sewer service areas are limited to areas appropriate for intense growth including areas with limited environmental sensitivity and center based development. Once the appropriate wastewater treatment alternative has been selected, a build out analysis is done for each wastewater service area according to current zoning to predict the area's future wastewater treatment needs. These needs are then matched against the capacity of the existing treatment facilities to ensure that they can be handled without degrading water quality. Therefore, Wastewater Management Plans are central in identifying areas that are appropriate for growth, are essential to maintaining and improving New Jersey's water quality and to achieving smart growth goals.

### **Will the sewer service area be automatically withdrawn if the county doesn't meet the April 2009 deadline?**

The Department has no immediate plans to withdraw future sewer service areas. The amended Water Quality Management Planning rule requires counties to submit updated Wastewater Management Plans (Plans) to the Department by April 7, 2009. If a county fails to submit an updated Plan as required by the rule the Department may withdraw all future sewer service area until a Plan is submitted and adopted. However, the Department appreciates the tremendous effort on the part of most counties and seeks to continue this partnership. Therefore, the Department will **not** penalize those counties that are involved in an ongoing partnership by eliminating wastewater service area designations. The Department also recognizes delays on its part in providing the rough draft of the sewer service area, as well as delays on the part of both the Department and the counties with respect to the execution of grant agreements designed to offset costs for the counties. The Department is aware that these delays have placed the counties at a disadvantage in terms of meeting the April deadline. Therefore, the Department has issued or will issue an extension of the submission deadline to each county that has requested an extension.

### **Which counties are preparing Wastewater Management Plans?**

Four counties have refused to accept wastewater management planning responsibility. They are: Bergen, Passaic, Union and Warren. The progress of other counties toward completion of their wastewater management plan can be tracked by clicking the County WMP Status Report above. This status report is being updated every two weeks

**What happens if my county refused to accept wastewater management planning responsibility?**

Where a county refuses wastewater management planning responsibility, a municipality may apply for voluntary assignment. Most municipalities in Bergen and Union counties are covered by a proposed wastewater management plan submitted by a regional utilities authority under the prior rules. The Department will continue to work with those utilities authorities to complete those plans. All municipalities in these four counties not covered by a proposed plan are being notified by the Department that the county has refused assignment and are being urged to apply for voluntary assignment. Municipalities accepting voluntary assignment receive an automatic extension of the submission deadline to July 7, 2009.

**How is the new Sewer Service Area being drafted?**

The amended rule removes environmentally sensitive features (i.e. wetlands, Category One waters, Natural Heritage Priority Sites and Threatened and Endangered Species habitats) from sewer service areas. The Department has assisted the counties in the development of new Wastewater Management Plans by making the first attempt to revise the decades old sewer service areas to reflect the new rules, based on available Geographic Information System data layers. These rough drafts of the sewer service areas were distributed to counties and municipalities for review, comment and ground truthing in the fall of 2008. Municipalities are asked to provide information concerning sites that are under construction or that have received development approvals. The county and the Department are reviewing this information and revising the preliminary draft sewer service area to include sites that have received their approvals.

**How will someone know if their property is affected?**

Once the county and the Department finish the delineation process, the Department will provide public notice of the final revised sewer service area boundary so that property owners can determine whether their property is affected by the revision. These wastewater service area delineations will be placed prominently at <http://www.nj.gov/dep/watershedmgt/> with sufficient detail to enable interested persons to locate a property and determine its proposed sewer service area status. In addition, the Department will issue press releases in each county as its map is posted, as well as provide a notice on our website and in local and regional newspapers when a county's Plan is formally proposed. These notices will include information regarding public hearings. The Department will also work with the counties and their municipalities to identify and employ additional public notice opportunities as appropriate.

**What if the SSA boundary is inaccurate?**

In order to complete its wastewater management plan, at some point the revised sewer service area must be held constant so that the required build out and capacity analyses can be completed and the wastewater management plan submitted. After adoption of the wastewater management plan the Department will adjust the plan to account for inaccuracies. By their very nature, wastewater management plans are "living" documents subject to minor revisions and amendments, in addition to the required 6-year update.

**What if the GIS data relied upon for the wastewater management plan is incorrect?**

The Department recognizes that Geographic Information System (GIS) data layers are not always one hundred percent accurate. The Water Quality Management Planning rule allows areas originally mapped as environmentally sensitive to be added into the sewer service area when site-specific data (i.e. a wetlands Letter of Interpretation or Habitat Suitability Determination) demonstrates that the GIS data is incorrect. If the site had previously been in the sewer service area and was erroneously removed, the Department will reinstate the site. If the demonstration that the sewer service area is made before the new wastewater management plan is adopted, the Department will make a correction to the plan to put the site back into the sewer service area, subject to available capacity at the sewage treatment plant. If the demonstration is made after adoption of the plan the Department will require an amendment or revision as appropriate to put the site back into the sewer service area. A correction is a simplified process that does not require advance public notice or a public hearing.

**What happens to an approval that is issued for a site that is subsequently removed from the Sewer Service Area?**

The amended Water Quality Management Planning rule (rule) provides that projects that have both a local preliminary or final site plan approval or subdivision approval where subsequent site plan approval is not required and its wastewater management approval (e.g. treatment works approval, NJPDES permit, local connection approval or local septic approval) are not affected by a withdrawal of sewer service area. Under the amended rule the existing outdated Wastewater Management Plans (Plans) and their wastewater service area designations are valid until a new Plan is adopted. Therefore, while Plans are being updated, municipalities and the Department will continue to issue approvals for development that is consistent with existing Plans. Projects that receive approvals during this interim period will qualify for addition back into the final Plan, as a “correction.” A correction is a simplified process that does not require advance public notice or a public hearing.

**How is the new groundwater quality antidegradation standard applied to residential development on septic systems?**

As part of a wastewater management plan review, zoning is applied to undeveloped property in designated septic system areas (also known as discharge to groundwater 2,000 gallons per day or less) on a HUC 11 watershed basis and the resulting number of new septic systems is evaluated for compliance with the 2 parts per million nitrate standard. If the number of units generated will not exceed 2 parts per million nitrate then the zoning is consistent with the protection of water quality. If the zoning would allow more septic systems than the watershed can dilute to 2 parts per million, then a change in zoning would be required before the plan can be adopted.

**What happens if I already owned a lot that was smaller than the zoning required?**

Single family dwellings that are not part of a larger subdivision do not generate over 2,000 gallons per day of wastewater and would be consistent with the designation. Local approvals would still be required.

**What happens if my township or county wastewater management plan doesn't get adopted?**

Where a municipal chapter in a county-wide wastewater management plan or a municipal wastewater management plan cannot be approved or has not been submitted, wastewater service area designations may be removed and replaced with a discharge to groundwater 2,000 gallons per day or less designation. Any development that generates more than 2,000 gallons per day of wastewater (more than 5 houses) will be inconsistent with this designation. The Department cannot issue any permit that is inconsistent with the areawide Water Quality Management Plan. Therefore, if a permit is required from the Department of Environmental Protection for the development, and the development generates more than 2,000 gallons per day of wastewater, a revision to the areawide Water Quality Management Plan would be required. As part of that revision application the applicant would be required to demonstrate that the 2 parts per million nitrate standard was being met on-site.

**What approvals must I have to protect my development against these changes if it being served by Individual Subsurface Disposal (Septic) Systems?**

If a residential development involves more than five houses but less than 50 houses on septic systems, the development must have both a preliminary or final subdivision approval and approval to construct or alter each septic system (chapter 199 approval / N.J.A.C. 7:9A) from the local authority, to be unaffected by any change in wastewater service area designation. If the development involves 50 or more units on septic system, the development must have the preliminary or final subdivision approval and a Department permit for 50 or more Realty Improvements, to be unaffected by any change in service area designation.

For more information on the status of Plan updates, see the ["County WMP Status Report"](http://www.nj.gov/dep/watershedmgt/) available at <http://www.nj.gov/dep/watershedmgt/>