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BASELINE CONSIDERATION OF SENSITIVE AREAS

**Camden County Municipal Utilities Authority
City of Camden
City of Gloucester**

NJPDES Permit Nos.

NJ0026182

NJ0108812

NJ0108847

Draft June 2018

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Intermunicipal Agreements

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Resolution of

THE CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY

Authorizing an Intermunicipal Agreement With the Cities of Camden and Gloucester for Preparation of a NJDEP-Required Combined Sewer Overflow System Management Plan

#R-13:7-103

Whereas, the New Jersey Department of Environmental Protection has promulgated new regulations for combined sewer overflow systems that require the CCMUA, Camden City and Gloucester City to develop a new Combined Sewer Overflow System Management Plan for the overall system that comprises the CCMUA's wastewater treatment plant, Camden City's combined sewer overflow system and Gloucester City's combined sewer overflow system; and

Whereas, the interconnectedness of these three systems dictates that one plan addresses all three systems; and

Whereas, accordingly, the CCMUA, Camden City and Gloucester City have negotiated an intermunicipal agreement which calls for the CCMUA to prepare the NJDEP-required plan for the three systems, while reaffirming the Cities' ongoing responsibility to own, operate and maintain their own systems.

Now, Therefore Be It Resolved by the CCMUA Board of Commissioners that It authorizes execution of an intermunicipal agreement with the Cities of Camden and Gloucester for preparation of a NJDEP-required Combined Sewer Overflow System Management Plan

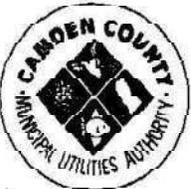
ADOPTED: July 15, 2013

Kim Michelini

Kim Michelini, Authority Secretary

I hereby certify that the foregoing is a true copy of the Resolution adopted by the members of the Camden County Municipal Utilities Authority at a meeting held on July 15, 2013.

Kim Michelini



Intermunicipal Agreement Among Camden County Municipal Utilities Authority, Camden City and Gloucester City For Completion of NJDEP-Required Planning For Combined Sewer Systems

Whereas, the New Jersey Department of Environmental Protection has promulgated new requirements for combined sewer overflow systems which include the requirement that owners of combined sewer systems must develop new planning documents to demonstrate best management practices and minimization of combined sewer overflows; and

Whereas, accordingly the Camden County MUA, Camden City and Gloucester City agree as follows:

- 1) The Camden County MUA will complete the planning requirements for the Cities of Camden and Gloucester at its own cost. Camden City and Gloucester City will provide as much of the required background information as possible in order to assist the CCMUA in completing the required planning documents.
- 2) Although the CCMUA is undertaking this planning study on behalf of Camden City and Gloucester City at its own cost, all parties agree that this does not, in any way, alleviate Camden City and Gloucester City's ongoing responsibilities to own, operate and maintain their combined sewer systems, or to undertake any improvements that may be required as a result of the aforementioned planning study or any other NJDEP requirements.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement and affixed their corporate seals as of the day and year first above written.

CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY
OWNER

BY: Michael G. Brennan 8/19/13
Michael G. Brennan, Chairman Date

ATTEST:

[Signature]

CAMDEN CITY

BY: [Signature] 7/29/13
Name/Title: Mayor Date

ATTEST:

[Signature]

GLoucester CITY

BY: [Signature]
Name/Title: _____ Date

ATTEST:

[Signature]

**THE
CAMDEN
COUNTY
MUNICIPAL
UTILITIES
AUTHORITY**

RESOLUTION OF THE CITY OF GLOUCESTER CITY

#R 159-2013

RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT BETWEEN CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY, CAMDEN CITY AND GLOUCESTER CITY FOR COMPLETION OF NJDEP-REQUIRED PLANNING FOR COMBINED SEWER SYSTEMS

WHEREAS, the New Jersey Department of Environmental Protection has promulgated new requirements for combined sewer overflow systems which include the requirement that owners of combined sewer systems must develop new planning documents to demonstrate best management practices and minimization of combined sewer overflow; and

WHEREAS, accordingly the Camden County MUA, Camden City and Gloucester City agree as follows:

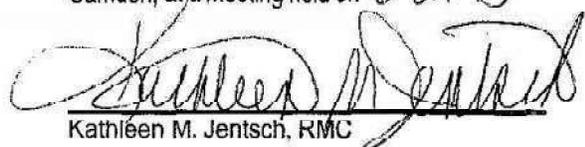
- 1) The Camden County MUA will complete the planning requirements for the Cities of Camden and Gloucester at its own cost. Camden City and Gloucester City will provide as much of the required background information as possible in order to assist the CCMUA in completing the required planning documents.
- 2) Although the CCMUA is undertaking this planning study on behalf of Camden City and Gloucester City at its own cost, all parties agree that this does not, in any way, alleviate Camden City and Gloucester City's ongoing responsibilities to own, operate and maintain their combined sewer systems, or to undertake any improvements that may be required as a result of the aforementioned planning study or any other NJDEP requirements.
- 3) Gloucester City will review, approve all plans and deliverables prior to any submittal.


William P. James, Mayor

Passed by the Mayor and Common Council of Gloucester City this 27th day of June, 2013.

It is hereby certified that the foregoing is a true and correct copy of a resolution duly adopted by the City of Gloucester City, in the County of Camden, at a meeting held on 6-27-13


Kathleen M. Jentsch, City Clerk


Kathleen M. Jentsch, RMC

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RESOLUTION MC-13: 3188

On Motion Of: Dana M. Burley
APPROVED: June 11th, 2013

R-64

NAR:dh
05-11-13

RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BETWEEN THE CITY OF CAMDEN, THE CITY OF GLOUCESTER AND THE CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE PLANNING OF THE NEW PERMIT REQUIREMENTS FOR THE COMBINED SEWAGE OVERFLOW SYSTEM

WHEREAS, the New Jersey Department of Environmental Protection has promulgated new requirements for combined sewer overflow systems which include the requirement that owners of combined sewer systems must develop new planning documents to demonstrate best management practices and minimization of combined sewer overflows; and

WHEREAS, accordingly the Camden County MUA, Camden City and Gloucester City agree as follows:

SECTION 1. The Camden County MUA will complete the planning requirements for the Cities of Camden and Gloucester at its own cost. Camden City and Gloucester City will provide as much of the required background information as possible in order to assist the COMUA in completing the required planning documents.

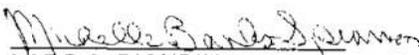
SECTION 2. Although the COMUA is undertaking this planning study on behalf of Camden City and Gloucester City at its own cost, all parties agree that this does not, in any way, alleviate Camden City and Gloucester City's ongoing responsibilities to own, operate and maintain their combined sewer systems, or to undertake any improvements that may be required as a result of the aforementioned planning study or any other NJDEP requirements.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Camden that a Shared Services Agreement is hereby authorized between the City of Camden and the City of Gloucester and the Camden County Municipal Utilities Authority for the Planning of the new permit requirements for the Combined Sewage Overflow System.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Resolution shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Resolution. All notices of veto shall be filed in the Office of the Municipal Clerk.

Date of Introduction June 11, 2013

The above has been reviewed and approved as to form.


MARC A. RIONDINO
City Attorney


FRANCISCO MORAN
President, City Council

ATTEST: 
LUIS PASTORIZA
Municipal Clerk

I, LUIS PASTORIZA, MUNICIPAL CLERK OF THE CITY OF CAMDEN, DO HEREBY CERTIFY, that the foregoing is a true copy of a resolution entitled "Resolution authorizing a shared services agreement between the City of Camden, The City of Gloucester and the Camden County Municipal Utilities Authority for the planning of the new permit requirements for the combined sewage overflow system." ADOPTED by the Council of the City of Camden, New Jersey, the 11th day of June, 2013 as taken from and compared with the original now on file in my office.


Luis Pastoriza, Municipal Clerk

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N.J.A.C. 7:14A-4.9 Certifications

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**Camden County Municipal Utilities Authority
NJPDES Permit NJ0026182 Submittal
N.J.A.C 7:14A-4.9 Certification Form**

Pursuant to the requirements under NJPDES Permit NJ0026182, the Camden County Municipal Utilities Authority (CCMUA) is submitting the following document(s)

Baseline Consideration of Sensitive Areas

(Title of Document)

As required under Part IV - Combined Sewer Management Paragraph D.1(c) (Submittals), the Authority is providing the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for purposely, knowingly, recklessly, or negligently submitting false information".

Andrew Kricun, P.E., BCEE
Executive Director/Chief Engineer
Camden County Municipal Utilities Authority

Signature

Date

DRAFT

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**Camden County Municipal Utilities Authority
NJPDES Permit NJ0026182 Submittal
N.J.A.C 7:14A-4.9 Certification Form**

Pursuant to the requirements under NJPDES Permit NJ0108812, the City of Camden, New Jersey is submitting the following document(s):

Baseline Consideration of Sensitive Areas

(Title of Document)

As required under Part IV - Combined Sewer Management Paragraph D.1(c) (Submittals), the Authority is providing the following certification:

"I certify under penalty of law that this document and all attachments were prepared either: (a) under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted; or (b) as part of a cooperative effort by members of a hydraulically connected system, as is required under the NJPDES Permit, to provide the information requested. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for purposely, knowingly, recklessly, or negligently submitting false information".

Name: _____, Title: _____
City of Camden, New Jersey

Signature

Date

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Camden County Municipal Utilities Authority
NJPDES Permit NJ0026182 Submittal
N.J.A.C 7:14A-4.9 Certification Form

Pursuant to the requirements under NJPDES Permit NJ 0108847, Gloucester City, New Jersey is submitting the following document(s):

Baseline Consideration of Sensitive Areas

(Title of Document)

As required under Part IV - Combined Sewer Management Paragraph D.1(c) (Submittals), the Authority is providing the following certification:

"I certify under penalty of law that this document and all attachments were prepared either: (a) under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted; or (b) as part of a cooperative effort by members of a hydraulically connected system, as is required under the NJPDES Permit, to provide the information requested. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for purposely, knowingly, recklessly, or negligently submitting false information".

Name: _____, Title: _____
Gloucester City, New Jersey

Signature

Date

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Baseline Consideration of Sensitive Areas Draft 06/05/18

This document provides the *Baseline Consideration of Sensitive Areas* for the City of Camden, Gloucester City and the Camden County Municipal Utilities Authority (CCMUA) pursuant to paragraph G.1.(d)(iv) of the respective NJPDES permits. In accordance with the National CSO Control Policy,¹ CCMUA and the Cities of Camden and Gloucester are required to give highest priority to controlling overflows to receiving waters considered to be sensitive areas. The Policy identifies six categories of sensitive areas:

1. Outstanding National Resource Waters;
2. National Marine Sanctuaries;
3. Waters with threatened or endangered species or their designated critical habitat;
4. Primary contact recreation waters, such as bathing beaches;
5. Public drinking water intakes or their designated protection areas; and
6. Shellfish beds.

1.0 Summary Findings

As a part of this baseline consideration, CCMUA and the Cities performed an analysis to identify any sensitive water bodies and the CSO outfalls that discharge to them. The results of this analysis are summarized on Table 1. With the potential exception of freshwater mussels in the Delaware and Cooper Rivers, this analysis has not identified any portions of the CSO receiving waters that meet the definition of sensitive areas as defined in the CSO Control Policy.

Table 1 – Sensitive Areas Summary

Category		Applicable to Receiving Streams Impacted by CSOs			Notes
		Delaware River	Cooper River	Newton Creek	
1	Outstanding National Resource Waters	No	No	No	Source: NJ Antidegradation Standards, NJDEP
2	National Marine Sanctuaries	No	No	No	Source: National Oceanographic and Atmospheric Administration (NOAA)
3	Waters with Threatened or Endangered Species or Designated Critical Habitat	Potential Habitat for Fresh-water Mussel, Short-nose Sturgeon	Potential Habitat for Fresh-water Mussel	No	Delaware River – Tidewater Mucket
					Cooper River: - Yellow Lampmussel - Eastern Pondmussel - Tidewater Mucket

¹ 59 FR 75-18692

Category		Applicable to Receiving Streams Impacted by CSOs			Notes
		Delaware River	Cooper River	Newton Creek	
4	Waters used for Primary Contact Recreation	No	No	No	No authorized bathing beaches or other primary contact recreation areas were identified.
5	Public Drinking Water Intakes	No	No	No	<ul style="list-style-type: none"> Camden & Gloucester water supplies are from wells.² Philadelphia Delaware intake is upstream of applicable CSO.
6	Shellfish Beds	No	No	No	No shellfish beds as defined in the NJ Coastal Management Program have been identified.

As shown on Table 1 there is the potential that parts of the Delaware and Cooper Rivers receiving CSO discharges could be suitable habitats for the Short-Nose Sturgeon and for several threatened or endangered species of mussels. If these areas are suitable habitats and these species of aquatic wildlife are present there, these areas would be considered as sensitive areas as defined in the U.S.EPA CSO Control Policy and will require special attention in the development of long term CSO control strategies.

2.0 Detailed Analyses

2.1 Outstanding National Resource Waters

Outstanding National Resource Waters (ONRW) are categorized in New Jersey's Surface Water Quality Standards³ as one of three categories of waterbodies. ONRWs include FW-1 (freshwater) waters which are also known as non-degradation waters which are set aside for posterity and include PL (Pinelands) waters. Category 1 waters are protected from any measurable change in water quality because of exception ecological, recreational, fisheries or water supply significance. All other waters of New Jersey are designated as Category 2 waters for which existing water quality and designated uses are to be maintained. As shown in Figure 1, the Delaware and Cooper Rivers and Newton Creek have not been designated as ONRWs by NJDEP.

2.2 National Marine Sanctuaries

A review of information from the Office of Marine Sanctuaries of the National Oceanographic and Atmospheric Administration (NOAA) has confirmed that there are no national marine sanctuaries affected by the Camden / Gloucester / CCMUA combined sewer overflows.

² Sources: Camden 2016 Annual Water Quality Report – PWS NJ0408001, Gloucester City 2016 Consumer Confidence Report.

³ N.J.A.C. 7:9B et seq.

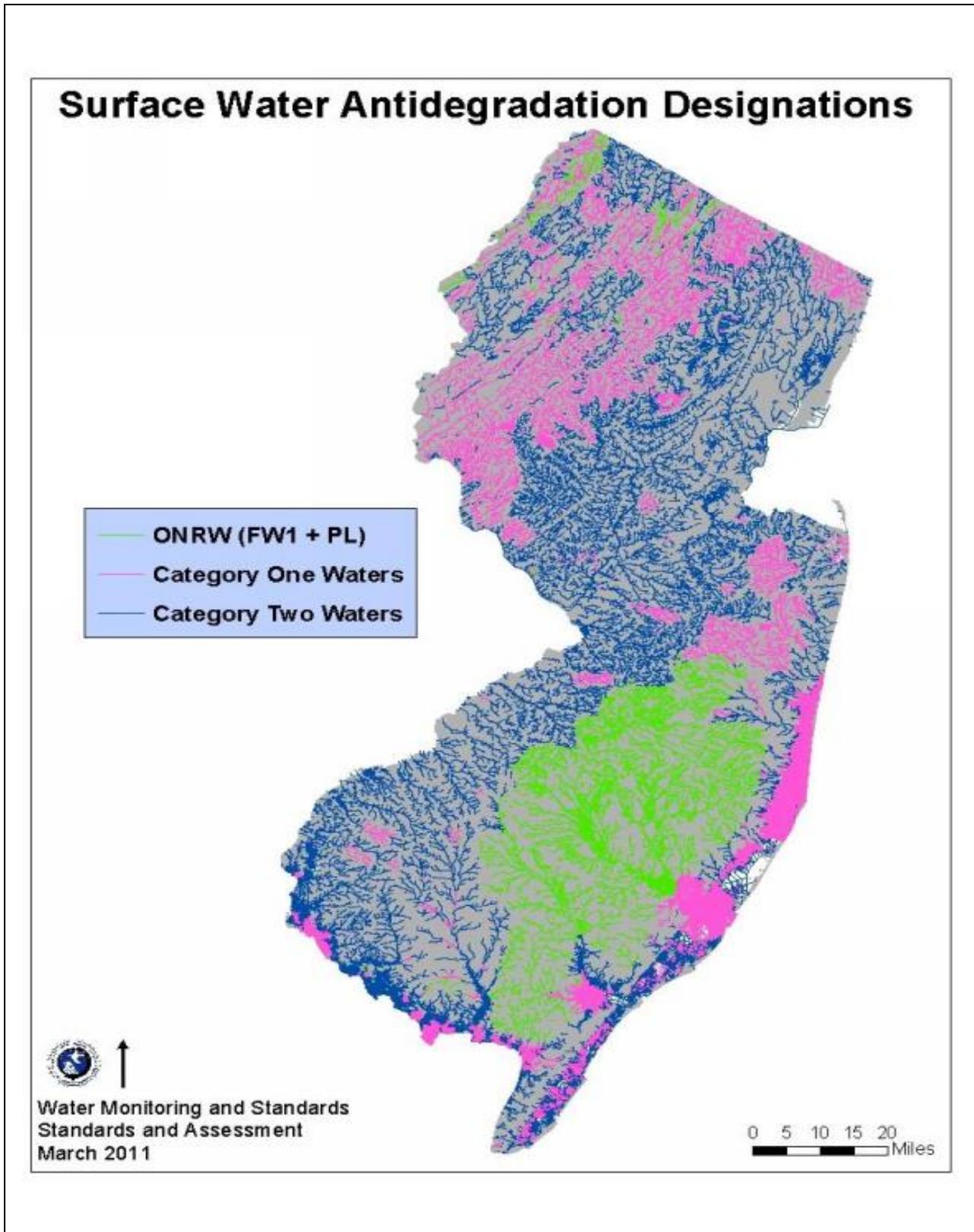


Figure 1 – NJ Surface Water Categories

2.3 Waters with Threatened or Endangered Species or Designated Critical Habitat

Roughly the northwestern half of Camden County, including the Cities of Camden and Gloucester is located in the Southern Piedmont Plains as shown on Figure 2. As detailed in the 2008 New Jersey Wildlife Action Plan,⁴ this zone contains the Delaware River and estuary which is freshwater tidal from Trenton to Camden and the brackish upper Delaware estuary from Camden to the Cohansey River.

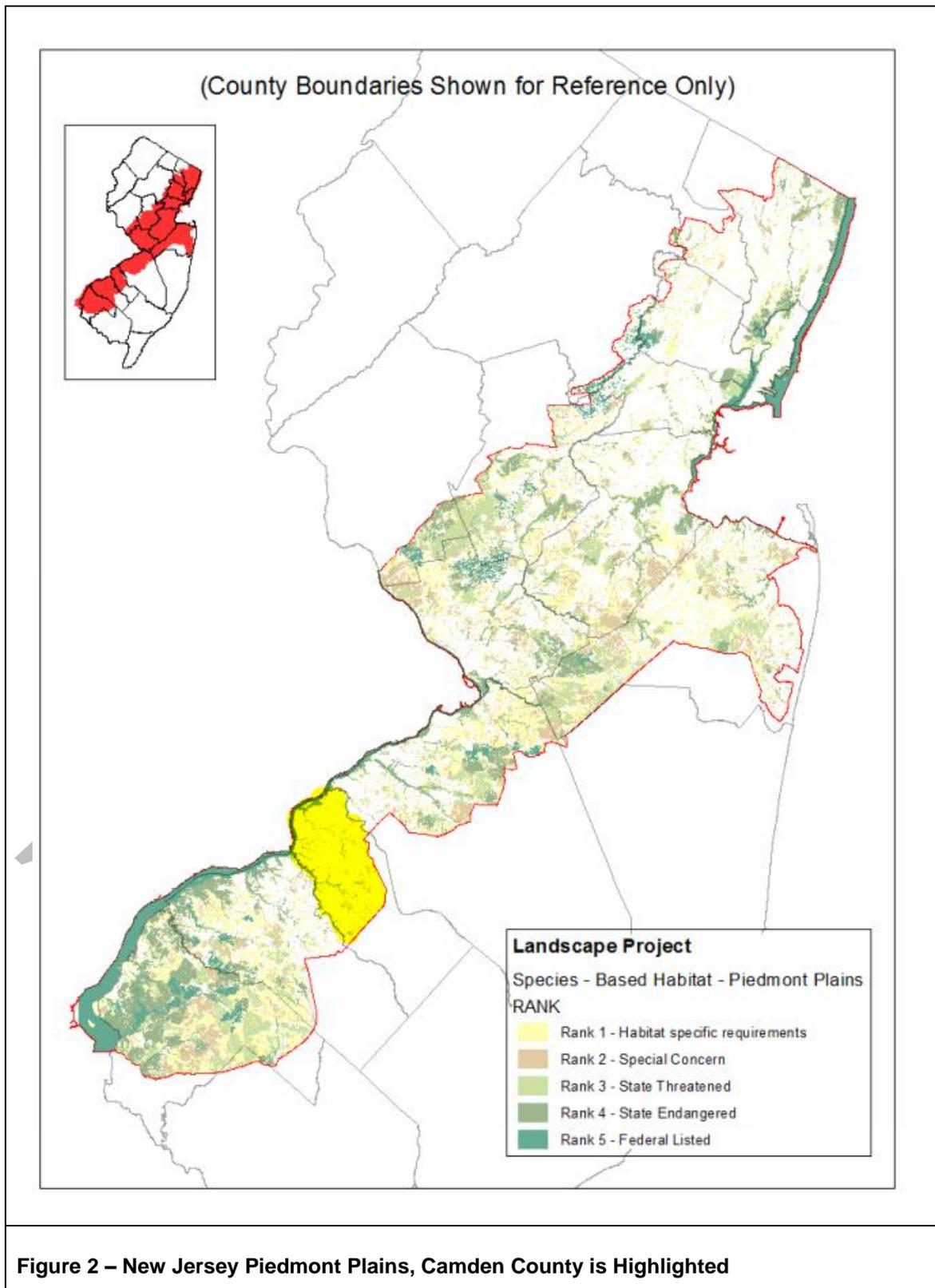
The Wildlife Action Plan identified five riverine mussel species and their associated habitats in the Southern Piedmont Plains as being endangered or threatened:

- Dwarf Wedgemussel (Federal Endangered and Threatened Species);
- Eastern Pondmussel (State Threatened Species);
- Tidewater Mucket (State Threatened Species);
- Triangle Floater (State Threatened Species); and
- Yellow Lampmussel (State Threatened Species).

The NJDEP Landscape Project Stream Habitat GIS data base was utilized to identify the habitat areas of the Delaware and Cooper Rivers and Newton Creek that may receive CSO discharges. The NJDEP identified habitat areas are ranked in the Wildlife Action Plan as follows:

1. **Rank 1** – is assigned to patches of that meet habitat specific suitability requirements such as minimum size criteria for endangered, threatened or priority wildlife species but that do not intersect with any confirmed occurrences of such species;
2. **Rank 2** – is assigned to patches containing one or more occurrences of at least one non-listed State priority species;
3. **Rank 3** – is assigned to patches containing one or more occurrences of at least one State threatened species;
4. **Rank 4** – is assigned to patches with one or more occurrences of at least one State endangered species; and
5. **Rank 5** – is assigned to patches containing one or more occurrences of at least one wildlife species listed as endangered or threatened on the Federal list of endangered and threatened species.

⁴ New Jersey Wildlife Action Plan – January 23, 2008. NJDEP Division of Fish & Wildlife, Endangered and Non-Game Species Program



The species based aquatic habitat map for the CSO receiving streams are shown on **Figure 3**. Based upon the intersection of the NJDEP data base of confirmed occurrences and the habitat suitability data base, it appears that three mussel species potentially could exist within the CSO receiving streams:

- Eastern Pondmussel (State Threatened Species);
- Tidewater Mucket (State Threatened Species); and
- Yellow Lampmussel (State Threatened Species).

In addition, per the NJDEP data base, there has been one or more occurrences of the short-nose sturgeon which is included on the Federal endangered and threatened species list. It must be noted that the protocol of intersecting one or more confirmed occurrence and species appropriate habitats does not indicate whether these species are present in the Cooper and/or Delaware Rivers.

Bald eagle wintering and habitat suitable for foraging have been identified through the NJDEP Landscape Project Areas v3.3 data base. As shown on Figure 4, these areas are along the Cooper River in or about Cooper River Park. The winter habitat area is upstream of the CSO discharge area and above the Cooper River Parkway Dam. The foraging area is along the lower portions of Cooper River Park downstream of the Thorndyke and the C-27 outfalls.

2.4 Waters used for Primary Contact Recreation

There are no authorized primary contact recreational areas within the CSO receiving streams. Extensive seasonal secondary contact recreational usage occurs on Cooper Lake, which is the impoundment of the Cooper River in Camden County's Cooper River Park; e.g. usage by the Cooper River Rowing Club. The lake is formed by the Cooper River Parkway Dam which is approximately two miles upstream of the upstream most CSO outfall into the Cooper River (C-27-2 Thorndyke outfall). There are no authorized primary recreational areas along within the CSO receiving portions of the Delaware River or Newton Creek.

2.5 Public Drinking Water Intakes

The Cities of Camden and Gloucester both utilize wellfields to draw their potable source-water from the Potomac-Raritan-Magothy Aquifer.

2.6 Shellfish Beds

Shellfish beds are defined under the New Jersey Coastal Management Program as:

"... as estuarine bay or river bottoms (tidelands) that are productive for hard clams (*Mercenaria mercenaria*), soft clams (*Mya arenaria*), eastern oysters (*Crassostrea virginica*), bay scallops (*Argopecten irradians*), or blue mussels (*Mytilus edulis*). A productive bed is one which can be shown to have a history of natural recruitment for one or more of these species, or is leased by the State of New Jersey for shellfish culture, or is a State Shellfish Management Area."⁵

No shellfish beds have been identified within the area impacted by the CSO discharges.

⁵ Source: New Jersey Coastal Management Program and Final Environmental Impact Statement, August 1980 prepared by NJDEP and the national Oceanic and Atmospheric Administration. Section 7:7E-3.2, page 81.

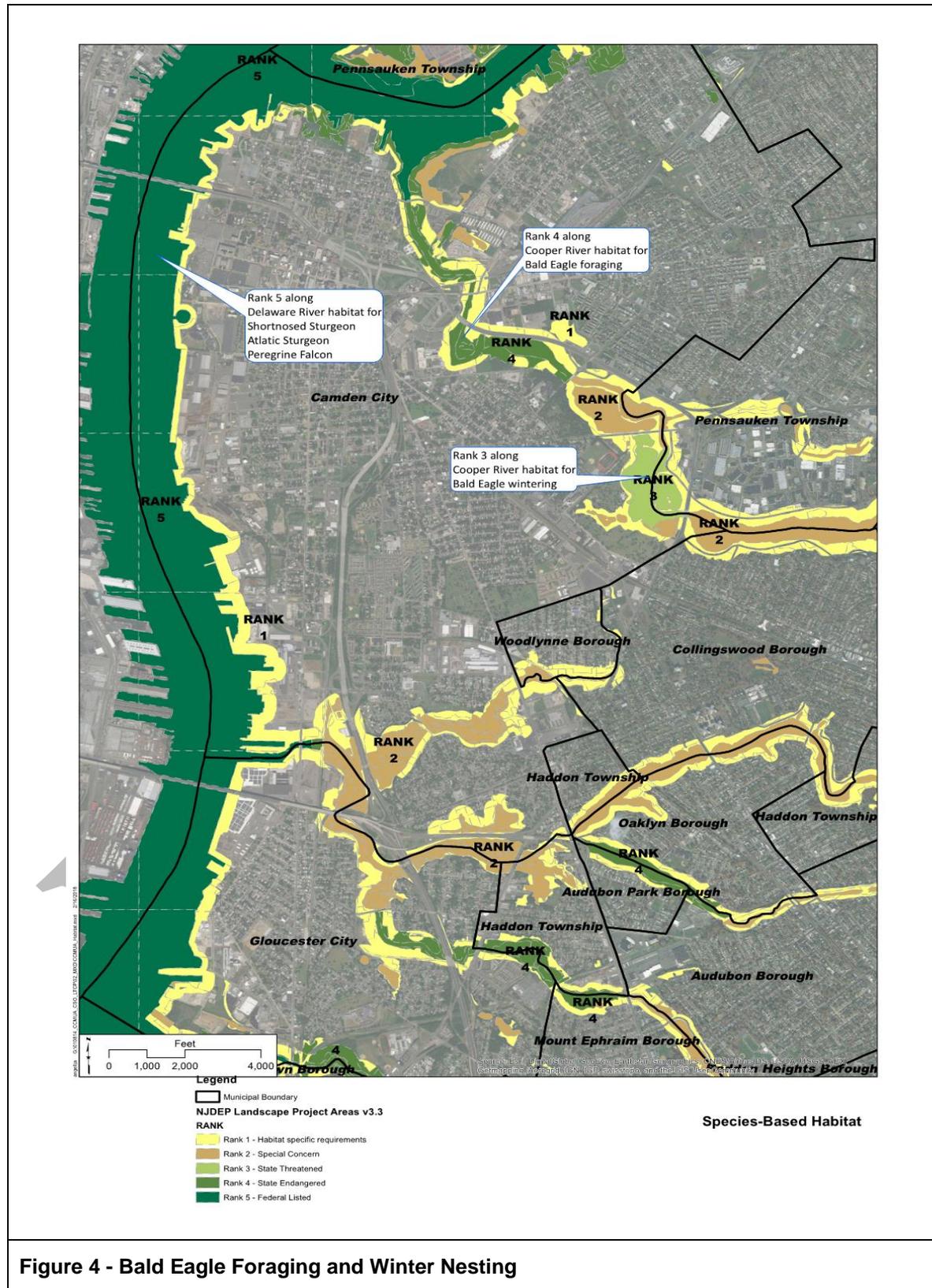


Figure 4 - Bald Eagle Foraging and Winter Nesting

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