

# Water Quality Management Planning Rule

## N.J.A.C. 7:15

### Fact Sheet

#### **Introduction**

The existing Water Quality Management Planning rule, N.J.A.C. 7:15 prescribe water quality management policies and procedures to restore and maintain the chemical, physical, and biological integrity of the surface and ground water resources of the State. The Department, primarily through the Division of Watershed Management, administers the Water Quality Management Planning rule as part of the “continuing planning process” required by Sections 208 and 303 of the Federal Water Pollution Control Act, also known as the Clean Water Act and the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et. seq. This rule serves two basic functions: it establishes the Department’s general regulatory framework for water quality/water resource planning and supplements other Department rules pertaining to wastewater management.

This rule action that is being proposed will readopt with amendments Subchapters 1 through 6, 8, and 9 of Chapter 15, the Water Quality Management Planning rule; and repeal several components of the existing rule.

#### **Background**

The Water Quality Management Planning Rule will protect and improve water quality while supporting the Governor’s economic development initiatives by directing growth to appropriate areas and away from environmentally sensitive areas such as wetlands, forests, and critical wildlife habitats.

The new WQMP rule represents a major shift in regulating sewer service **and** septic service areas while directing development away from environmentally sensitive areas. The WQMP rule identifies areas that have the infrastructure already in place and removes the option of building sewer service infrastructure on environmentally sensitive lands, which would encourage and assist the destruction of these natural resources.

#### **Expanded DEP Authority**

For the first time, the Department will have a compliance mechanism to **require** updates of all wastewater management plans. Where wastewater management plans are not kept current

as presently required, the Department will withdraw sewer service area until an updated plan is adopted.

The WQMP rule extended authority also includes the requirement to review development on septic systems in two ways. First, where wastewater management plans are not current, the Department will require that projects that will generate a cumulative total of more than 2,000 GPD of wastewater, which is about six houses, to be reviewed to ensure that the density of septic systems proposed will not degrade water quality. Secondly, new wastewater management plans must demonstrate that future development on septic systems will not degrade ground water quality on a watershed basis. It includes strengthened measures to protect groundwater from pollution by applying a statewide average of 2 ppm of nitrates.

### **Improved Efficiencies for Implementation/Planning Entities**

Under the new rule, counties will be designated the planning entities for wastewater management. This regional approach reduces the number of planning entities from 161 to 21.

The smaller number of planning entities will foster a closer working relationship between the department and each wastewater management planning agency. Additionally, it will allow a regional and comprehensive approach to planning which is a shift from the previous rules.

Upon adoption of the new rule, counties will have a 9-month grace period to provide an updated wastewater treatment plan or face withdrawal of their sewer service area designation. Without a sewer service area designation, developers cannot obtain sewer hook-ups for new development. Upon adoption of a wastewater management plan, appropriate sewer service area designations will be restored. Currently, 141 municipalities are without plans and another 298 municipalities have outdated plans.

### **Better Planning**

The rule will help shape development patterns in New Jersey through the designation of appropriate and adequate wastewater treatment.

The rule supports State Development and Redevelopment Plan objectives by supporting center based development that includes environs protection through the plan endorsement process.

Build out analyses completed for the WMP will also be useful in other community planning exercises including: transportation, schools and affordable housing.

### **Environmental Protection**

The WQMP rule removes from sewer service environmentally sensitive land. Environmentally sensitive areas are defined as large contiguous areas (25 acres or greater) of wetlands, Category One buffers, threatened and endangered species habitats, and natural heritage priority sites. These areas would have to be served by individual on-site septic systems.

## **Transparency and Predictability**

Having wastewater management plans up-to-date will mean that the development community can look at a wastewater management plan and if they are in an approved SSA, they will know that environmental sensitivity is minimized and they will know that wastewater treatment capacity exists to serve their development. Ultimately, with water supply considerations being addressed they will also know that adequate potable water also exists to support their development.

The rule will not only protect our water resources, it will provide the development community a clearer picture of where development can and should occur. They will know up front those areas that are environmentally sensitive and thus protected and where waste water treatment and potable water exists to accommodate growth. This will assist those stakeholders in making informed investment decisions and making the permitting process more efficient.

The rule expands environmental protection and reduces the time and money presently needed to identify appropriate growth areas. The rule will also result in a more realistic projection of the future environmental infrastructure needs (wastewater and water supply) thereby assisting in proper and efficient planning for those services.