

THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MAY 4, 2015 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

**ENVIRONMENTAL PROTECTION
WATER RESOURCE MANAGEMENT
OFFICE OF WATER RESOURCE MANAGEMENT COORDINATION
Water Quality Management Planning rules**

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

Authority: N.J.S.A. 13:1D-1 et seq., 13:19-1 et seq., 13:20-1 et seq., 23:2A-1 et seq., 40:55D 93-99, 58:1A-1 et seq., 58:10A-1 et seq., 58:11-23 et seq., 58:11A-1 et seq., 58:16A-50 et seq., and 58:29-1 et seq.

Authorized by: Bob Martin, Commissioner, Department of Environmental Protection

Effective Date: April 10, 2015

New Expiration Date: April 10, 2022

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Water Quality Management Planning rules at N.J.A.C. 7:15 are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on May 21, 2015. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable and proper for the purpose for which they were originally promulgated and should remain in effect pending anticipated rulemaking referenced below. In accordance with N.J.S.A. 52:14B-5.1(c), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The Water Quality Management Planning rules implement the Water Quality Planning Act (WQPA), N.J.S.A. 58:11A-1 et seq., whose purpose is to maintain, and where attainable, restore the chemical, physical and biological integrity of the surface and ground water resources of the State. The Water Quality Management Planning rules are one component of the State's

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water quality continuing planning process (CPP). The CPP is intended to integrate and unify water quality management planning processes, assess water quality, establish water quality goals and standards, and develop a statewide implementation strategy to achieve the water quality standards (see N.J.S.A. 58:11A-7). The rules specify the components of, as well as the process for adopting and amending, areawide water quality management (WQM) plans. The rules also provide for wastewater management plans (WMPs); establishment of the 303(d) List of Water Quality Limited Waters; and adoption of total maximum daily loads. WMPs are a key planning document and are intended to provide a comprehensive evaluation of the cumulative effects of existing and future land use on the water resources of the State and to ensure that the areawide WQM plans integrate related Federal, State, regional and local comprehensive, functional and other relevant land use planning activities. These rules also establish a grant program to assist watershed management groups in carrying out watershed management activities, pursuant to the Watershed Protection and Management Act of 1997, N.J.S.A. 58:29-1 et seq.

On January 17, 2012, P.L. 2011, c. 203 was enacted in response to requirements incorporated in the Water Quality Management Planning rules that would result in withdrawal of wastewater service areas if planning required by the rules was not accomplished in accordance with the timeframes specified in the rules. The legislation: (1) directed that any preexisting sewer service area or wastewater service area designations remain in effect for a period of 180 days after enactment of the legislation or for such longer period as the Department may determine; (2) gave the WMP agencies additional time to submit the WMP, with submission of a WMP or portion thereof resulting in any preexisting sewer service area or wastewater service area designations to remain in effect until Department action on the proposed WMP; (3) authorized the submission of a partial WMP that only identified the areas appropriate for sewer

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service; (4) provided that the Department may approve inclusion of land within a sewer service area notwithstanding that the existing treatment works may not currently have the assured capacity to treat the additional wastewater without infrastructure improvements or permit modifications; (5) following submission of that portion of the WMP designating a sewer service area, directed the Department to review site-specific amendments or revisions under a specified process and timeframe; and (6) specifically allowed the processing of a site-specific amendment for developments outside of the sewer service areas with projected wastewater flows of less than 20,000 gallons per day and the processing of a revision for developments outside of the sewer service areas with projected wastewater flows of less than 8,000 gallons per day to be approved if the project meets the technical requirements for a New Jersey Pollutant Discharge Elimination System Discharge to Ground Water permit.

On January 15, 2014, P.L. 2011, c. 203 was amended and supplemented by P.L. 2013, c. 188. P.L. 2013, c. 188 extended the validity of P.L. 2011, c. 203 until January 17, 2016 or upon the adoption of rules intended to obviate the need for the provisions of P.L. 2011, c. 203, whichever is earlier. P.L. 2013, c. 188 also extended and revised various procedures and timeframes for review by the Department of certain amendments and revisions to WMPs and areawide WQM plans.

In response to these legislative actions, the Department intends to propose significant amendments to the Water Quality Management Planning rules in order to streamline the planning process and better integrate it with the existing permitting programs while meeting the purposes of the WQPA. Any further action on those proposed amendments to the Water Quality Management Planning rules would be the subject of a separate notice in the New Jersey Register.