

PUBLIC NOTICE

**ENVIRONMENTAL PROTECTION**

**DIVISION OF COASTAL AND LAND USE PLANNING**

**Proposed Correction to a Proposed Amendment to the Tri-County Water  
Quality Management Plan**

Public Notice

**Take notice** that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed correction to a previously proposed amendment to the Tri-County Water Quality Management (WQM) Plan. The proposed correction would modify the previously proposed amendment submitted on behalf of the Board of Chosen Freeholders of Camden County as the responsible Wastewater Management Planning Agency, to adopt a future wastewater service area (FWSA) map for Camden County.

Notice of the previously proposed amendment was published on April 16, 2012 (see 44 N.J.R. 1287(b)), and a public hearing was held on June 20, 2012, during which comments on the FWSA map were received. The comment period on the proposed amendment closed on July 5, 2012. No further action has been taken, and the previously proposed map is still pending adoption.

Prior to the close of the public comment period, the Department received information regarding the exclusion of four City of Camden tax parcels (Block

809, Lots 7 and 13; Block 809.01, Lot 18; and Block 814, Lot 2) from sewer service area on the previously proposed FWSA map. The aforementioned tax parcels, comprising a total of 49.38 acres, are located on the former Harrison Avenue Landfill and are part of a larger 200 acre Brownfield Development Area. An approved Remedial Action Workplan is in place for the former Harrison Avenue Landfill, which comprises 85 acres and where the construction of a 132,000 square feet community center has commenced. Upon completion of all development activity, the waterfront edge of Block 809, Lot 7, and Block 810, Lot 4, will include a 300 feet buffer to support bald eagle foraging habitat.

The aforementioned tax parcels meet the Department's criteria for inclusion within sewer service area, as described below, and were inadvertently excluded from sewer service area designation on the previously proposed FWSA map. Thus, the Department is now proposing to correct the previously proposed FWSA map for Camden County to include the aforementioned tax parcels in sewer service area. The Department will, however, continue to exclude the area comprising the 300 feet buffer on Block 809, Lot 7, from sewer service area, and is proposing to exclude, as part of the proposed correction, the area comprising the 300 feet buffer on Block 810, Lot 4, from sewer service area because that area was inadvertently included in sewer service area in the previously proposed amendment.

Therefore, pursuant to N.J.A.C. 7:15-3.4(g)(8)(i), the Department is extending the public comment period an additional 30 days to provide the public with an opportunity to comment on this proposed correction to the proposed FWSA map for Camden County, which is specifically related to the proposed inclusion in sewer service area of the following City of Camden tax parcels: Block 809, Lots 7

and 13; Block 809.01, Lot 18; and Block 814, Lot 2; as well as the proposed exclusion from sewer service area of the 300 feet buffer on Block 810, Lot 4.

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 sewer service area 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 sewer service area may be approved if such actions are compliant with the applicable sections of the Water Quality Management Planning rules (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. As such, the areas proposed as sewer service area have no guarantee that a wastewater treatment plant will ever be permitted for construction or expansion to accommodate the proposed sewer service area. 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.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas have been assessed to determine what areas are appropriately included in the proposed sewer service areas.

Pursuant to N.J.A.C. 7:15-5.24, contiguous areas of 25 acres or larger consisting of Landscape Project Ranks 3, 4, or 5 threatened and endangered species habitat,

Natural Heritage Priority Sites, Category One special water resource protection areas, and wetlands, alone or in combination, have not been included in proposed sewer service areas. Additional areas such as areas with Federal 201 grant limitations that prohibit the extension of sewers to serve development in these areas, preserved open space, riparian buffers, flood prone areas and steep slopes have also not been included in the proposed sewer service area pursuant to N.J.A.C. 7:15-5.24 and 5.25.

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: Flood Hazard Area Control Act rules, the Highlands Water Protection and Planning 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. The required buffer width is applied to both sides of a stream measured from the top of the 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. Category One (C1) waters, their tributaries and all Highlands waters are afforded a 300-foot buffer. The riparian zone adjacent to trout production waters and all upstream waters, including tributaries, is 150-feet. The riparian zone adjacent to trout maintenance waters and those that contain documented habitat for threatened and endangered species (that are not C1 waters) which is critically dependent on the water body for survival and upstream tributaries within one mile is 150-feet. The riparian zone of a segment of water flowing through acid producing soils is 150 feet. The riparian zone adjacent to all other surface waters is 50-feet. The applicable 300 foot buffer has been applied to the specified waterways and removed from the proposed sewer service areas on the mapping. Lesser width

buffers have not been graphically removed from the sewer service area mapping, and were not part of the composite 25 acre analysis, but are not proposed for sewer service. Jurisdictional determinations by the Department were utilized to determine the extent of the sewer service area on individual lots.

An Endangered or Threatened Species Habitat Analysis was performed utilizing the Department's Division of Fish and Wildlife, Endangered and Non-Game Species Program "Landscape Project version 2.1" and data from the Natural Heritage Program of areas mapped as Natural Heritage Priority Sites. The Landscape Project identifies areas of critical habitat that support or potentially support Federal and State endangered or threatened species and other species of concern. Endangered and Threatened Species habitats reviewed under this analysis are Rank 5 (Federal endangered and/or threatened species), Rank 4 (State endangered species), or Rank 3 (State threatened species). Four of the five available habitat types were used – forests, forested wetlands, emergent wetlands and grasslands. In addition, the bald eagle foraging and the wood turtle habitat mapping were used as species-specific mapped products under Rank 5 and Rank 3, respectively. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species, Ranks 3, 4 and 5 are not included in the proposed sewer service areas 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 unsuitable habitat.

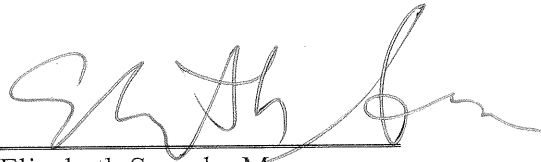
This preliminary notice represents the Department's determination that the County's proposed sewer service area is in compliance with the regulatory criteria for identifying sewer service areas pursuant to N.J.A.C. 7:15-5.24 and 5.25. In accordance with P.L. 2011, c. 203, the Department will accept those site specific amendment and revision applications beginning May 16, 2012, the 120<sup>th</sup> day after

the date of enactment. Information regarding application 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 this project/activity. Approval of this amendment does not provide any implied approval for any other aspects of the project or needed permits and approvals.

**This notice** is being given to inform the public that the Department is proposing a correction to the previously proposed amendment to the Tri-County WQM Plan, notice of which was published on April 16, 2012 (see 44 N.J.R. 1287(b)). All information related to the WQM Plan, the proposed amendment and/or the proposed correction to the previously proposed amendment is located at the Department, Division of Land Use Planning, Office of Land Use Planning, P.O. Box 420, Mail Code 401-07C, 401 East State Street, 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 Office of Land Use Planning at (609) 984-6888.

**Interested persons** may submit written comments on the proposed correction to the previously proposed amendment to WQM Program Docket, Division of Land Use Planning, at the Department address cited above with a copy sent to Mr. Andrew Kricun, Camden County Municipal Utilities Authority, 1645 Ferry Avenue, Camden, New Jersey 08104. All comments must be submitted within 30 days following publication of this notice. All comments submitted prior to the close of the comment period shall be considered by the Department in reviewing the amendment request.



Elizabeth Semple, Manager  
Division of Coastal and Land Use Planning  
Office of Land Use Planning  
Department of Environmental Protection

12/27/12

Date