

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

PROPOSED AMENDMENT TO THE UPPER DELAWARE WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Upper Delaware Water Quality Management (WQM) Plan. This amendment proposal, submitted on behalf of the Common Council of the Town of Hackettstown, the responsible Wastewater Management Planning agency for the Town of Hackettstown, proposes to adopt a stand-alone municipal Wastewater Management Plan (WMP) for the Town of Hackettstown in accordance with N.J.A.C. 7:15-5.13(b). This proposed amendment has been prepared pursuant to the New Jersey Water Quality Management Planning Act, N.J.S.A. 58:11A-1 et seq., the WQM Planning rules, N.J.A.C. 7:15 and the New Jersey Highlands Council's Highlands Regional Master Plan (RMP).

The Town of Hackettstown, located entirely within the Highlands Region (planning and preservation areas) as delineated by the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), has agreed to conform to the RMP developed and adopted by the Highlands Council in accordance with the Highlands Act and to the Plan Conformance process adopted by the Highlands Council. The Highlands Council has approved the Town's petition for Plan Conformance through Resolution #2011-25. One of the conditions applicable to each municipality that agrees to conform to the RMP

for the entire municipality is the development of a municipal WMP, or municipal chapter of a County WMP, as appropriate, in compliance with the RMP and N.J.A.C. 7:15. The proposed WMP chapter was drafted by the Highlands Council with the Town's endorsement through a resolution adopted by the Town of Hackettstown Common Council on March 26, 2015.

This proposed amendment provides for a Town of Hackettstown municipal WMP that identifies wastewater service designations within the municipality. The proposed municipal WMP designates as Future Sewer Service Area areas within the municipality that are currently served, or are planned to be served in the future, by public wastewater treatment facilities or individual NJPDES permitted treatment facilities, and additionally, identifies areas as Septic Areas (those areas with Planning Flows of 2,000 Gallons per Day (GPD) or less). All of the Sewer Service Area (SSA) identified in the proposed municipal WMP is served by the Hackettstown Water Pollution Control Facility (WPCF) (NJ0021369), a municipal facility that also provides wastewater treatment to portions of Independence Township, Mansfield Township, Mount Olive Township and Washington Township (Morris), and having an approved and operative total permitted system capacity of 3.39 million gallons per day (MGD).

The proposed municipal WMP evaluates the ability of facilities to satisfy current and future wastewater treatment needs, as well as water supply demands of planned development and potential impacts from nonpoint sources of pollution. This proposed amendment has been reviewed in accordance with the Water Quality Management Planning Rules that provide the environmental review standards to be applied to an

amendment for a WMP at N.J.A.C. 7:15-5.18, N.J.A.C. 7:15-5.24, and N.J.A.C. 7:15-5.25.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas have been assessed to determine what areas must be excluded from the proposed SSA. Pursuant to N.J.A.C. 7:15-5.24, environmentally sensitive areas (ESA) are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered wildlife species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, special water resource protection areas along Category One waters and their tributaries, and wetlands, alone or in combination. In accordance with N.J.A.C. 7:15-5.24(b), environmentally sensitive areas are not included in the proposed SSA except as provided under N.J.A.C. 7:15-5.24(e) through (h).

In accordance with N.J.A.C. 7:15-5.25(c) and the RMP, an environmental build-out analysis (build-out analysis) to identify future projected wastewater flow that may be subject to being provided service by public wastewater treatment facilities, was developed for the existing and proposed sewer service area in the Town of Hackettstown on a hydrologic unit code (HUC) 14 basis. The build-out analysis was performed to project wastewater flow for both undeveloped and underdeveloped parcels within the existing and future SSA. Environmentally constrained areas have been excluded for purposes of projecting wastewater flow. Environmentally constrained areas include wetlands, floodways, and stream corridors. Wastewater flow projections are calculated based upon the current municipal zoning and include potential development of all

remaining non-environmentally constrained parcels of vacant land, underdeveloped residential and commercial property, and any existing parcels currently served by individual subsurface sewage disposal systems (ISSDSs) that are located within the adopted SSA and not currently provided sanitary sewer service. The wastewater flow was projected applying the appropriate criteria listed at N.J.A.C. 7:14A-23.3. The total projected wastewater flow for undeveloped and underdeveloped areas within the Town of Hackettstown's existing and future SSA was projected to be 0.343663 MGD and was used in conjunction with the existing wastewater flow, as described below, to assess whether sufficient capacity exists to accommodate future treatment demand for the entire SSA.

Pursuant to N.J.A.C. 7:15-5.25(d) an analysis was performed to assess the existing and future wastewater treatment capacity of the Hackettstown WPCF, the only wastewater treatment plant serving the Town of Hackettstown. The existing total wastewater flow for that facility was calculated to be 2.120 million gallons per day (MGD) based on the average of the monthly metered flow over the 12 month period ending September 30, 2014, as reported to the Department in the Discharge Monitoring Reports (DMRs) received for the Hackettstown WPCF. This existing wastewater flow volume and the projected future additional wastewater flow, derived from the build-out analysis, as described above, were utilized, in conjunction with the projected future wastewater flow attributable to the remaining municipalities served by the Hackettstown WPCF, to assess whether that facility has sufficient capacity remaining to accommodate future wastewater treatment demand.

The analyses performed pursuant to N.J.A.C. 7:15-5.25(c) and (d) as described above demonstrate that the Hackettstown WPCF has 1.27 MGD of total wastewater treatment capacity remaining to serve the future additional wastewater needs of all of the contributing municipalities, which have been projected to be 0.57153 MGD in total , and do not cause the permitted capacity of the Hackettstown WPCF to be exceeded.

The proposed municipal WMP incorporates a nitrate dilution analysis in accordance with N.J.A.C. 7:15-5.25(e) and the RMP to evaluate the groundwater impacts and septic system density on a HUC 14 basis from potential development of those areas outside future sewer service area (FSSA). The Nitrate Dilution Model, developed by the Department, was applied on a HUC 14 basis using the following Nitrate targets for the respective land use capability zones as identified in the adopted RMP: 2 mg/l within the Community Zone, 1.87 mg/l within the Conservation Zone, and 0.72 mg/l within the Protection Zone. These targets are equivalent to or more stringent than the requirements at N.J.A.C. 7:15. Utilizing these targets, the model estimates the minimum lot size necessary to comply with the ground water quality standards within the HUC 14. This analysis indicated that there was no capacity within the Preservation Area to support new residential development reliant on service by individual septic systems; however, within the Planning Area, there was capacity to support up to 9 new residential dwellings to be served by individual septic systems.

Approval of development served by septic systems in the Highlands Region will be regulated by the Highlands Act rules, N.J.A.C. 7:38. Further, any project involving a septic system outside of adopted FSSA must have approval under the septic density

provisions of the adopted Highlands Land Use Ordinance pursuant to the Highlands Council approval of the Town's Petition for Plan Conformance. Because any project approved pursuant to the provisions of the Highlands Land Use Ordinance must first demonstrate consistency with the RMP, the applicable septic system density requirements are deemed to be in accordance with the septic density requirements of N.J.A.C. 7:15. However, where the development activity is exempt from the Highlands Act or receives a Highlands Preservation Area Approval from NJDEP, such development shall be in conformance with N.J.A.C. 7:15-5.25(e) regarding septic system densities. Consequently, the Department concluded that groundwater quality will be protected.

A Water Use Analysis performed pursuant to N.J.A.C. 7:15-5.25(f) indicated a single Department-regulated water supply purveyor serving the Town through an existing water allocation permit, Hackettstown MUA (PWSID #2108001). The current approved water allocation capacity for this utility is 123.7 million gallons per month (MGM). The septic system density/build-out analysis identifies a projected future water demand of 0.192977 MGM and an excess available water supply capacity of 17.472 MGM from this purveyor. Consequently, the Water Use Analysis has been satisfied.

The Nonpoint Source Pollution Impact Analysis – Stormwater Standards, as required at N.J.A.C. 7:15-5.25(g)(1), indicated that the Town of Hackettstown has adopted the required stormwater management ordinance in compliance with its NJPDES MS4 stormwater permit (Ordinance #2006-14). Consequently, adoption of this ordinance by the Town of Hackettstown ensures compliance with the performance standards of the Stormwater Management rules, N.J.A.C. 7:8.

The Nonpoint Source Pollution Impact Analyses – Riparian Corridor and Steep Slopes, as required at N.J.A.C. 7:15-5.25(g)(2)-(6), indicated that the Town of Hackettstown has adopted a Highlands Land Use Ordinance (Ordinance #2012-02) in compliance with the Plan Conformance approval of the Highlands Council.

The Highlands Land Use Ordinance ensures protection of the riparian corridors along all perennial and intermittent streams and lakes within the Borough. Pursuant to the RMP and the Highlands Land Use Ordinance, Highlands open water buffers extend to 300 feet from the top of bank (or centerline of a first order stream where no bank is apparent). This requirement applies to all Highlands Open Waters within the Highlands Region, regardless of stream classification in the Surface Water Quality Standards at N.J.A.C. 7:9B. Such buffers will be regulated through the adopted Highlands Land Use Ordinance, which is equivalent to or more stringent than the Department's riparian zone standard contained in the Flood Hazard Control Act rules (N.J.A.C. 7:13) and Water Quality Management Planning rules (N.J.A.C. 7:15). Consequently, the Riparian Corridor protection standards have been met.

Further, the adopted Highlands Land Use Ordinance addresses steep slopes for gradients 10 percent or greater. This protection is more stringent than the requirements at N.J.A.C. 7:15-5.25(g)(6). Consequently, the Steep Slope protection requirements have been met.

This proposed amendment represents only one part of the permit process and other issues may need to be addressed prior to any final permit issuance. Additional issues which

may need to be addressed may include, but are not limited to, the following: compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

This notice is being given to inform the public that a plan amendment has been proposed for the Upper Delaware WQM Plan. All information relating to the WQM Plan and the proposed amendment is located at the Department, Office of Water Resources Management Coordination, P.O. Box 420, Mail Code 401-02A, 401 East State Street, Trenton, New Jersey 08625. The Department's file is available for inspection between 9:00 a.m. and 4:00 p.m., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Office of Water Resources Management Coordination at (609) 777-4349.

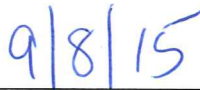
Interested persons may submit written comments on the amendment to WQM Program Docket, Office of Water Resources Management Coordination, at the Department address cited above with a copy sent to the designated Wastewater Management Planning Agency of record, the Town of Hackettstown, c/o Paul Sterbenz, P.E., PP of Maser Consulting P.A., Perryville III Corporate Park, 53 Frontage Road, Suite 120, PO Box 4017, Clinton, NJ 08809. All comments should reference Program Interest No. 435437, Activity No. WMP150001 and must be submitted within 30 days of the date of this public notice. All

comments submitted prior to the close of the comment period shall be considered by the Department in reviewing the amendment request.

Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period in this notice up to 30 additional days. These requests should reference Program Interest No. 435437, Activity No. WMP150001 and must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must also be submitted within 30 days of the date of this public notice to WQM Program Docket at the Department address cited above. If a public hearing is held, the public comment period in this notice shall be extended to close 15 days after the public hearing.



Colleen Kokas
Office of WRM Operations & Coordination
Department of Environmental Protection



Date

