

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

AMENDMENT TO THE LOWER DELAWARE WATER QUALITY MANAGEMENT
PLAN

Public Notice

Take notice that on FEB 01 1999, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Lower Delaware Water Quality Management Plan was adopted by the Department of Environmental Protection (Department). This amendment was submitted by the Cumberland County Department of Planning and Development as the wastewater management planning agency for Cumberland County. The amendment adopts the Cumberland County Rural District Wastewater Management Plan (WMP) portion of the Cumberland County WMP. The WMP identifies a planning area entirely covering five municipalities including Commercial, Deerfield, Downe, Lawrence and Maurice River Townships except for two parcels in Deerfield Township which are part of the Cohanse River Basin WMP.

A new 627,650 gallons per day (gpd) sewage treatment plant (STP) was proposed in Commercial Township to serve the existing and future residential population of Port Norris and the existing seafood processing facilities located along the Maurice River in Shell Pile and Bivalve. The new Port Norris STP would discharge to the Maurice River somewhere between Main Street and Hands Landing Road in Port Norris. In this area, the Maurice River is classified as Fresh Water Two - Nontrout Waters/Saline Waters of Estuaries 1 (FW2-NT/SE1) according to the Surface Water Quality Standards (N.J.A.C. 7:9B). All New Jersey Pollutant Discharge Elimination System (NJPDES) regulated facilities which lie within the proposed future sewer service area of this STP would be required to redirect their wastewater flows to this new STP.

The WMP also identified existing NJPDES permitted facilities and their respective sewer service areas. Minor expansions to some of these facilities which discharge to ground water were proposed. However, these minor expansions fall within several existing villages and municipal zoning districts in all five municipalities which have been identified as future service areas for wastewater facilities with planning flows of less than 20,000 gpd which discharge to ground water. One exception is the proposed expansion of the existing 72,000 gpd NJPDES permitted Sunnyside Foods wastewater discharge to ground water in Deerfield Township to 100,000 gpd. In addition, the remainder of the WMP area, except for Pinelands Area as defined at N.J.S.A. 13:18A-11, has been designated as future service area for wastewater facilities with planning flows of less than 2,000 gpd which discharge to ground water and for non-domestic wastewater treatment facilities with planning flows of less than 20,000 gpd which discharge to ground water. The remaining Pinelands Areas have been designated as service area for wastewater facilities

with planning flows less than 2,000 gpd which discharge to ground water that receive Pinelands Commission approval pursuant to the requirements of the Pinelands Comprehensive Management Plan.

This amendment proposal was noticed in the New Jersey Register on June 15, 1998. A comment on this amendment was received during the public comment period and is summarized below with the Department's response.

Comment: The Landis Sewerage Authority (LSA) owns and operates an 8.2 million gallons per day wastewater treatment plant that primarily serves the City of Vineland as well as customers in Franklin Township, Gloucester County and Pilesgrove Township, Salem County. In addition to the service area and existing customers the LSA has a Federal Court Order with Deerfield Township dated August 23, 1983 that provides for the acceptance of wastewater generated from Deerfield Township by the LSA. Since the Federal Court Order named the Regional Administrator of the United States Environmental Protection Agency (USEPA) as a defendant in that matter, LSA believes that the Court Order is binding upon USEPA and the Department as a delegated agency. LSA also states that the effect of the Court Order on planning documents should also be imposed upon the Department.

Under the Consent Order, there are no boundaries, lines or other drainage areas specifically established with respect to flow from Deerfield Township to LSA. The record should reflect that this document exists and that connection and conveyance to the LSA is provided for, and that if some time in the future Deerfield should make the decision to send flow to the Landis Sewerage Authority, that this would not be found inconsistent with the Plan.

Response: The Department reviewed the referenced Federal Consent Order and found it stated "Deerfield Township, and all persons and property owners located therein, shall be afforded the right to obtain sewage treatment for waste water delivered to LSA at a line, interceptor, or other point reasonably acceptable to LSA." It is our interpretation that this order granted Deerfield Township the right to request and receive sewer service from LSA and LSA is obligated to serve them. At this time, Deerfield Township is not asking LSA to provide them with sewer service, but the WMP does mention that Deerfield might consider asking LSA for service in the future. The Department acknowledges within the WMP that such an agreement exists, but does not think this order compels the Department to allow any part of Deerfield Township to be considered automatically consistent with this Plan or the pending LSA WMP to receive sewer service from LSA if no sewer service area have been defined. Further, it would be in the best interest of LSA to reserve some capacity for whatever portions of Deerfield Township that may require sewer service in the future and to identify this same information in its own WMP. Should Deerfield Township desire sewer service from the LSA in the future, the Department would consider this Federal Court Order as the basis for a proposed Water Quality Management Plan amendment.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: the development of a Total Maximum Daily Load; 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.



Lance R. Miller
Director
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2/1/99
Date

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