

PUBLIC NOTICE

**ENVIRONMENTAL PROTECTION**

**DIVISION OF COASTAL AND LAND USE PLANNING**

**Adopted Amendment to the Lower Delaware Water Quality Management Plan**

**Public Notice**

**Take notice** that on **FEB - 7 2013**, 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 (WQMP) was adopted by the Department of Environmental Protection (Department). This amendment expands the sewer service area (SSA) of the Landis Sewerage Authority (LSA) sewage treatment plant (STP) to include Block 7501, Lots 13, 14, 20, 21, and 23 of the City of Vineland. The LSA STP discharges under NJPDES permit number NJ0025364 to the Kirkwood-Cohansey Aquifer.

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 SSA 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 modify a SSA may be approved if such actions are compliant with the applicable

sections of the Water Quality Management Planning rule (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed.

In accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of the project has been evaluated. The adopted wastewater flow, as calculated in accordance with N.J.A.C. 7:23.3, is 110,163 gallons per day, calculated based on maximum buildout of the developable acreage of the subject property in the B4 Zone, which is 25.29 acres. Currently, LSA STP is permitted to discharge 8.2 million gallons per day (MGD) of treated wastewater to the Kirkwood-Cohansey Aquifer. The average of the last twelve months of discharge monitoring data show that LSA STP has discharged an average daily flow of 5.448 MGD. The additional 0.110 MGD of wastewater will not cause the wastewater generation potential of the expanded SSA to exceed the permitted capacity of LSA STP.

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, and is not guaranteed by this amendment.

In accordance with N.J.A.C. 7:15-5, environmentally sensitive areas (ESAs) have been assessed to determine what areas of the project are appropriate for inclusion in the adopted SSA. ESAs evaluated include, but are not limited to: habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, riparian zones, wetlands, steep slopes, Coastal Fringe, Coastal

Rural and Coastal Environmentally Sensitive Planning Areas, beaches, coastal high hazard areas, and dunes.

Pursuant to N.J.A.C. 7:15-5.24, ESAs are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One (C1) special water resource protection areas, and wetlands, alone or in combination. These ESAs are not included in the adopted SSA.

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine areas designated as threatened or endangered species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, version 3.1. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species Ranks 3 (State threatened) , 4 (State endangered), and 5 (Federal endangered or threatened) are not to be included in adopted SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (h), or 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 not suitable habitat, or pursuant with N.J.A.C. 7:15-5.24(g)2, the Department determined the ESA is not critical to a population of endangered or threatened species the loss of which would decrease the likelihood of the survival or recovery of the identified species. Review of the project site has determined that no threatened or endangered species habitat exists on site.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not to be included in adopted SSAs, except as provided under

N.J.A.C. 7:15-5.24(e) – (h). Review of the project site has determined that no Natural Heritage Priority Sites exist on site.

A Riparian zone has been identified on the project site. 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: the Flood Hazard Area Control Act Rules, the Stormwater Management rules, and the Water Quality Management Planning rules. The required buffer width for the Petticoat Branch, which is a FW2-NT/SE1 stream, is 50 feet, applied to both sides of the stream measured from the top of bank of an intermittent or perennial stream, or centerline if the bank is not defined. The City of Vineland's Land Use Ordinance (#2008-39) is protective of stream corridors; however, the ordinance is not in full compliance with the aforementioned regulations. To become compliant, and in accordance with N.J.A.C. 7:15-5.25(h)5i, the Riparian Corridor Analysis has been satisfied by applying the applicable 50 foot buffer to the Petticoat Branch and removed from the adopted SSA.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in adopted SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). In accordance with N.J.A.C. 7:15-5.24(e)2, Letter of Interpretation, L.O.I. # 0641-11-0008.1, was submitted to refute the current Department mapped wetlands delineation, which currently maps wetland area greater than 25 acres on site. L.O.I. # 0641-11-0008.1 provides a Department-verified wetland delineation showing two separate wetland areas, one isolated and one contiguous to a riparian zone, the total area of which is approximately 4 acres. As delineated in L.O.I. # 0641-11-0008.1, the northern most wetland area is contiguous to the Petticoat Branch which continues several miles offsite, therefore this wetland, including its applicable 50 foot buffer, has been removed from the adopted SSA. The wetland to the south, adjacent to

Route 55, is isolated with a total area of approximately 3 acres. The isolated wetland to the south does not meet the 25 acre and contiguous threshold for an ESA, therefore this wetland area has not been removed from the adopted SSA.

Pursuant to N.J.A.C. 7:15-5.24(d), areas with Federal 201 grant limitations that prohibit the extension of sewers to serve development in these areas are excluded from adopted SSAs. There are no prohibitions written into the Federal 201 grants awarded to LSA STP for sewer extensions.

In accordance with N.J.A.C. 7:15-5.25(h)6, adopted development disturbance is not to be located in areas with steep slopes, defined as any slope greater than 20 percent. There are no steep slopes on the subject site.

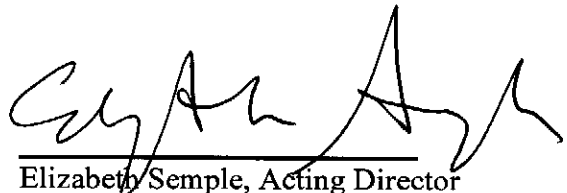
In accordance with N.J.A.C. 7:15-5.25(h)3 the water supply need for the adopted project has been evaluated. The majority of the City of Vineland is served by the Vineland City Water and Sewer Utility. Sufficient water supply is available within the existing water allocation permit to serve the adopted development. The adopted development would utilize City water wells, which are located in the Maurice River and Menantico Creek (tributary to the Maurice River) watersheds and withdraw from the Kirkwood Cohansey Aquifer. As the LSA STP utilizes a discharge to groundwater within the Maurice River watershed, no significant depletive water loss would result within the region.

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater management is to be evaluated. However, P.L. 2011, c. 203 directs there be a presumption that an engineered subdivision or site plan is not required. Without such information a review and determination of compliance with the Stormwater

Management rules (N.J.A.C. 7:8) is not possible. The county and local governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of adopted development.

This amendment proposal was noticed in the New Jersey Bulletin on December 5, 2012 at Volume 36, Issue 12 and no comments were received during the comment period.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to 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.



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Date