

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF COASTAL AND LAND USE PLANNING

**Adopted Amendment to the Lower Delaware Water Quality Management Plan (WQMP)**

**Public Notice**

Take notice that on **DEC 12 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 WQMP was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of the Cumberland County Board of Chosen Freeholders, removes sewer service area (SSA) from the City of Millville Wastewater Treatment Plant (WTP) designation in the Lower Delaware WQMP and identifies SSA for the Cumberland County Fairgrounds on Block 4, Lot 1 in the City of Millville, Cumberland County. The subject property is bordered by Carmel Road (CR 608), Morias Avenue (CR 714), and Fairstand Road and totals approximately 65 acres.

Wastewater flow has been projected pursuant to N.J.A.C. 7:9A-7.4 to be a total of 9,390 gallons per day which discharge to 6 onsite existing septic systems. This amendment has been approved in accordance with P.L. 2011, c. 203, as a development or activity having a wastewater planning flow of greater than 8,000 gallons per day (gpd) and less than 20,000 gpd that results in a discharge to groundwater and meets the technical requirements for eligibility for a New Jersey Pollutant Discharge Elimination System (NJDPES) Discharge to Ground Water (DGW) permit issued pursuant to the "Water Pollution Control Act," P.L. 1997, c. 74 (C.58:10A-1 et seq.) and rules and regulations adopted pursuant thereto.

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. However, in this case, the Department's Bureau of Nonpoint

Source Pollution has determined that the Cumberland County Fairgrounds facility will be reviewed and processed as a NJPDES DGW T1 general permit. This general permit authorizes the discharge of sanitary sewage from facilities to a subsurface disposal (septic) system with a design volume in excess of 2,000 gpd and which was designed and approved in accordance with either N.J.A.C. 7:9A-1et seq. or its regulatory precursors prior to January 1, 1990. Therefore the existing wastewater generating facilities only are adopted as SSA. These facilities include the fair main entrance, main office, Sheriff/EMT office, the Community Display/Home Arts building, main grandstand restroom, 4H restroom/showers, the 4H, Big Johns, and open rented food booths with sinks, and campsite area and total approximately 0.8 acres.

In accordance with N.J.A.C. 7:15-5.24, 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 proposed 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.

In accordance with N.J.A.C. 7:15-5.25(g)3, the riparian zone analysis shall be satisfied by the submission of up to date municipal riparian zone protection ordinance. In the absence of the municipal riparian zone ordinance, riparian zones as described at N.J.A.C. 7:15-5.25(g)2, are not to be included in the adopted SSA. 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. No riparian zones have been identified on site.

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). No wetlands have been identified on site.

In accordance with N.J.A.C. 7:15-5.25(h)6, 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 project has been evaluated. The water at the existing fairgrounds is supplied from two private wells which have been in use since the 1970's and are located in the Maurice River watershed, withdrawing from the Kirkwood Cohansey Aquifer. As the Cumberland County fairgrounds utilize 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 the development. As such, the City of Millville has adopted up to date Stormwater Management Plan as evidenced by Resolution 13-2007.

This amendment proposal was noticed in the New Jersey Bulletin on November 6, 2013 at Volume 37 Issue 21, page 11 and no comments were received during the comment period. The City of Millville passed Resolution R271-2013 consenting to the amendment and the Cumberland County Board of Chosen Freeholders also passed supporting Resolution 2013-632.

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.



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

12/12/13

Date