

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Lower Delaware Water Quality Management Plan

Public Notice

Take notice that on **February 25, 2021**, in accordance with the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment to the Lower Delaware Water Quality Management (WQM) Plan. The adopted amendment (Program Interest No. 435441, Activity No. WMP170001), prepared by the Cumberland County Department of Planning and submitted on behalf of the Cumberland County Board of Chosen Freeholders, replaces the Downe Township portion of the Cumberland County Rural District Wastewater Management Plan (WMP) with a complete Downe Township municipal chapter of the Cumberland County WMP (“municipal chapter WMP”) and also adopts a Septic Management Plan for the entire county. The municipal chapter WMP and the Septic Management Plan constitute two complete components of the County WMP, other WMP components not addressed here, will be adopted in the future.

The Downe Township municipal chapter WMP identifies a proposed Fortescue Wastewater Treatment Plant (WWTP) and corresponding sewer service area (SSA) to serve existing development in Fortescue and Gandy’s Beach Villages, the Fortescue Mobile Home Park,

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

currently served by a permitted facility, and the Raybins Beach area, which is currently served by individual subsurface sewage disposal systems (ISSDS). The Fortescue Mobile Home Park/Heritage Hill Estates will eventually abandon the current facility and send the flow to the proposed Fortescue WWTP. The municipal chapter WMP also updates the SSA mapping to acknowledge the existing and currently served permitted facilities, Garrison House Trailer Park/Campground (NJG0241075) and Sundog Marina (NJG0241831). The new/updated SSA map replaces the Downe Township portion of the Cumberland County Future Wastewater Service Area (FWSA) map adopted on January 15, 2015 (see 45 N.J.R. 2268(b)).

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSA, except as otherwise provided at N.J.A.C. 7:15-4.4(i)(j)(k) and (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of alone or in combination the following: endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One (C1) waters and their tributaries, or wetlands; coastal planning areas identified under N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions under N.J.A.C. 7:15-4.4(g). The Department conducted an evaluation of the SSA using a GIS shapefile provided by the applicant compared to the Department's GIS data layers available at <http://www.nj.gov/dep/gis/listall.html> and/or other information as noted below, to determine the presence of any such areas in accordance with N.J.A.C. 7:15-4.4(e), (f), and (g) and made the following findings:

- The Department determined that the SSA adopted by this notice does not contain any areas mapped as endangered and threatened wildlife species habitats Rank 3, 4, or 5 on the

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife based on the "Landscape Project Data" Version 3.3 GIS data layers in accordance with N.J.A.C. 7:15-4.4(e)1.

- The Department determined that the SSA adopted by this notice does not contain any areas mapped as Natural Heritage Priority Sites based on the "Natural Heritage Priority Sites" GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)2.
- The Department determined that the SSA adopted by this notice does not contain any C1 waters or 300 foot riparian zones along any C1 waters or upstream tributaries within the same HUC 14 watershed of any C1 waters based on the "Surface Water Quality Standards" GIS data layer in accordance with and N.J.A.C. 7:13-4.1(c)1 and 7:15-4.4(e)3.
- The Department determined that the SSA adopted by this notice does contain mapped wetlands based on the "Wetlands 2012" GIS data layer; however, in accordance with N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #1202-09-0002.1 FWW180001 confirming that there are no wetlands within the SSA.
- The Department determined that the SSA adopted by this notice for Fortescue and Gandy's Beach Villages, the Fortescue Park Mobile Home Park and the Raybins Beach area are mapped as Coastal Rural Planning Areas based on the "CAFRA Layers" GIS layer in accordance with N.J.A.C. 7:15-4.4(f); however, in accordance with N.J.A.C. 7:15-4.4(f)1, the Department determined that limited sewerage of a portion of the CAFRA Coastal Rural Planning Area in Downe Township is necessary to abate an existing imminent public health and safety issue. This finding is based on shoreline surveys conducted by the Department and the U.S. Food

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

and Drug Administration (FDA) at Fortescue and Gandy's Beach Villages that identified infrastructure issues; including failing septic systems, leaking holding tanks, shallow water tables, and frequent flooding. Subsequently, the FDA cited the Department in its annual National Shellfish Sanitation Program audits for allowing untreated waste via compromised on-site wastewater disposal systems to enter the Delaware Bay in proximity to economically important shellfish growing areas. In addition, the Feasibility Study, funded by the Department, evaluated the wastewater treatment alternatives to address identified infrastructure issues in Gandy's Beach, Fortescue, Money Island, Newport, and Dividing Creek. These citations are referenced in the February 12, 2018 Memorandum of Agreement (MOA) between Downe Township, Cumberland County, the Department, and the New Jersey Environmental Infrastructure Trust, establishing terms and conditions for the planning, design, financing, and construction of a centralized wastewater conveyance and treatment system to resolve wastewater issues in Fortescue and Gandy's Beach, Downe Township. The County's submission of the Downe Township municipal chapter WMP was a requirement of the MOA.

- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the SSA based on the U.S. Environmental Protection Agency list of New Jersey counties with ESA grant conditions at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2> in accordance with N.J.A.C. 7:15-4.4(g).

The municipal chapter WMP wastewater capacity analyses demonstrated a deficit in wastewater treatment capacity for Downe Township. The new Fortescue WWTP will discharge

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

to Fortescue Creek, a tidal tributary to Delaware River Water Quality Zone 6. The WWTF will be sized, and Department approvals limited, specifically to receive the total projected wastewater flow of 0.146 million gallons per day (mgd) from existing development within the new SSA, which represents buildout under current zoning, and other restrictions on further development within the new SSA. The three existing WWTPs in Downe Township: Fortescue Park, New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number NJG0246603; Garrison House Trailer Park/Campground, NJPDES Permit Number NJG0241075; and Sundog Marina, NJPDES Permit Number NJG0241831, are permitted ISSDS that are restricted from receiving any additional flow from other than the existing buildings they serve. They are prohibited from expansion of wastewater flows/capacity.

The nitrate dilution analysis determined a deficit in the septic carrying capacity for two HUC 11 subwatersheds, 02040206110 and 02040206100, because the potential number of equivalent dwelling units (EDUs) under currently zoned build-out will exceed the nitrate dilution or septic carrying capacity of the ground water. This zoning build-out identified is 518 EDUs for Downe Township, whereas the nitrate dilution model identified a carrying capacity of 86 EDUs. The Department has determined that the wastewater capacity analyses for Downe Township complies with N.J.A.C. 7:15-4.5.

The municipal chapter WMP adopts the following potential strategies to address the septic capacity deficit identified in HUC 11 subwatersheds 02040206110 and 02040206100: identifying areas to be included in a future assigned or unassigned SSA, which would require a future WQM plan amendment; open space acquisition or preserving undeveloped land to restrict

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

areas that are eligible for development; rezoning to reduce the potential amount of future development; reducing floor area ratio and/or density; and increasing minimum lot size for development served by onsite septic systems. The Department has determined that the strategies to mitigate potential capacity deficiencies comply with N.J.A.C. 7:15-4.5.

This amendment also adopts the county-wide septic management plan component of the Cumberland County Municipal WMP. The Cumberland County Department of Planning, in coordination with the Cumberland County Health Department (CCHD), developed the County Septic Management Plan, which consists of an inventory of all existing ISSDS, current septic management practices that promote care and maintenance of septic systems, and improvements to the current septic management practices and refinement of the ISSDS inventory. The Department has determined that the septic management plan complies with N.J.A.C. 7:15-4.5(c)1vi.

This amendment proposal was noticed in the New Jersey Register on August 5, 2019 at 51 N.J.R. 8(1). The following individual provided comments on this amendment during the comment period:

Jeff Tittel, Director, New Jersey Sierra Club

A summary of the comments and the Department's responses follow.

1. COMMENT: The notice of proposal amending the Lower Delaware WQMP should be withdrawn and the Department should take the time to conduct a comprehensive analysis of the proposed project.

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

RESPONSE: The Department is satisfied that the proposed amendment to the Lower Delaware Quality Management Plan was reviewed and all applicable analyses as explained in the findings portion of this adoption notice were completed in accordance with the Water Quality Management Plan Rule N.J.A.C. 7:15 and is moving forward with adoption of the amendment.

2. COMMENT: A new Fortescue Wastewater Treatment Plant in Downe Township is not needed based on a small number of bad septic systems in the region to justify a massive development. Proper septic maintenance and enforcement of ground water pollution standards is a more appropriate action than construction of a new treatment plant. The repair and upgrade of sewer systems would be a better use of public resources than the proposed wastewater treatment facility.

RESPONSE: The CCHD and the Department conducted inspections in the Gandy's Beach community between July 22 and July 26, 2013, and the CCHD issued notice of violations (NOVs) to homeowners in Gandy's Beach who had inadequate sewage disposal systems and holding tanks that allowed insufficiently treated or untreated sewage to discharge into the Delaware Bay. The NOVs required that repairs be made, pursuant to applicable regulations, to stop the sewage discharges. New Jersey participates in the Food and Drug Administration's (FDA) National Shellfish Sanitation Program (NSSP), which ensures the wholesomeness of shellfish for human consumption and is subject to annual auditing by FDA. The FDA and the Department conducted shoreline surveys at Fortescue and Gandy's Beach and identified the infrastructure issues including failing septic systems, leaking holding tanks, shallow water tables, and frequent flooding. On December 12, 2014, the Department issued a Public Notice suspending the harvesting of shellfish from the waters around Money Island, Gandy's Beach, and Nantuxent Cove, which may have been affected by discharges of untreated waste from compromised sewage holding tanks in the Delaware Bay coastal communities. Alternative options were explored. The evaluation of the maintenance of septic systems were not a viable options due to storms in that area that frequently damage and/or overflow holding tanks creating discharges of

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

untreated effluent into the Delaware Bay and homes located along the shorelines that are subject to erosion.

The proposed sewer service area limits service to existing development and limited undeveloped lots that meet the definition of infill development.

3. COMMENT: Nitrate levels in the region do not justify building a wastewater treatment facility.

RESPONSE: The Department reviewed and concurred with the applicant's wastewater capacity analyses. As a part of the wastewater capacity analysis, the applicant performed a nitrate dilution analysis which calculated a deficit within HUC 11 subwatersheds 02040206110 and 02040206100 based on zoning build out which would exceed the nitrate dilution or septic carrying capacity of the ground water. The resultant increase in nitrate load to ground water coupled with continued unabated discharge from failing septic systems would compromise public health as the ground water would impact the nitrogen levels to the Delaware River affecting the shellfish growing beds in violation of the MOA. The new service area to the proposed Fortescue Wastewater Treatment Plant will resolve the public health threat and satisfy the MOA.

4. COMMENT: The wastewater treatment plant could fail and cause sewage to enter ground water, streams and wetlands due to high water tables and facility infrastructure that is vulnerable to inland and storm surge flooding. This can cause damage to the facility and result in significant pollution and environmental damage that could permanently impact the aquifer.

RESPONSE: This comment is out of the scope of the WQM Planning review in accordance N.J.A.C. 7:15 and will be addressed through Department permits and review. The WQM Planning analysis represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area resulting from adoption of this amendment does not eliminate

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

the need to obtain all necessary permits, approvals or certifications required by any federal, state, county or municipal review agencies with jurisdiction over this project/activity,

5. COMMENT: The amendment violates the Clean Water Act, a proper 201 analysis has not been conducted.

RESPONSE: The Department believes the commenter is referring to the analysis required for projects that received federal grant funding under Section 201 of the Clean Water Act (CWA). The grant program, commonly referred to as the 201 Construction Grants or 201 Facilities Planning, was phased out in the late 1980s and replaced by the State Water Pollution Revolving Fund, more commonly known as the Clean Water State Revolving Fund (SRF) loan program. The proposed project has applied for SRF funds. Through this process, a planning analysis will be required in accordance with the CWA, that will require an environmental impact assessment, alternatives analysis and a public participation process. The WQM Planning analyses represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area resulting from adoption of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any federal, state, county or municipal review agencies with jurisdiction over this project/activity.

6. COMMENT: The amendment violates the Water Quality Planning Act as the amendment has been proposed without environmental analysis or review.

RESPONSE: The New Jersey Water Quality Planning Act N.J.S.A. 58:11A-1-et seq. is implemented through the Water Quality Management Plan Rule, N.J.A.C. 7:15. The amendment to the Lower Delaware Quality Management Plan was reviewed and all applicable analyses as described in the findings portion of this adoption notice were completed in accordance with the Water Quality Management Plan Rule N.J.A.C. 7:15.

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

7. COMMENT: The amendment violates the Coastal Area Facility Review Act. Downe Township is a CAFRA-designated environmentally sensitive area in the State Plan. The only justifiable location to put the proposed wastewater treatment plant would be in the center of Fortescue, which is not the proposed location. The proposed facility and service area is in an environmentally sensitive barrier island planning area and a rural environmentally sensitive planning area. The proposed sewer plant does not meet current CAFRA standards, which is why the Department should strengthen its standards.

RESPONSE: The WQM Planning rules, at N.J.A.C. 7:15-4.4(f), provide that Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas identified on the CAFRA Planning Map shall not be identified as eligible for sewer service area, unless documentation is provided demonstrating that their inclusion is necessary to: 1. Abate an existing imminent public health and safety issue; or 2. Accommodate infill development or as necessary to create a linear boundary that coincides with recognizable geographic, political, or environmental features depicted in Department GIS coverages. As noted in the Department's response to Comment No. 2, the existing public health and safety issue at Gandy's Beach was confirmed by the CCHD and the Department. Due to the confirmed health and safety issues, the limited area of existing development is eligible for sewer service. The proposal must still meet all permitting requirements.

8. COMMENT: The new wastewater treatment facility in Fortescue, Downe Township is inconsistent with the State Development and Redevelopment Plan.

RESPONSE: The amendment for the Downe Township municipal chapter WMP identifies a proposed Fortescue Wastewater Treatment Plant (WWTP) and corresponding sewer service area (SSA) to serve existing development addressing a public health and safety need due to failing septic systems as explained in the Department's response to Comment No. 2. The proposed WWTP is not inconsistent with the State Development and Redevelopment Plan. Moreover, the elimination of pollution emanating from the failing septic systems will avoid ground water and

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

surface water degradation in support of the Water Resources Goal 11 articulated in the State Development and Redevelopment Plan. Inclusion in the sewer service area resulting from adoption of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any federal, state, county or municipal review agencies with jurisdiction over this project/activity.

9. COMMENT: A proper anti discharge analysis has not been performed for the facility or secondary impacts from stormwater runoff evaluated from increased development.

RESPONSE: The Department believes the commenter is referring to an antidegradation analysis. The antidegradation analysis will be reviewed by the Division of Water Quality as part of the NJPDES permit application review in accordance with the antidegradation policies in the Surface Water Quality Standards at N.J.A.C. 7:9B-1.5(d). The proposed sewage treatment plant and sewer service area are proposed to abate an existing pollution problem caused by the existing development. As such, the SSA is limited to existing development and minimal additional secondary impacts from stormwater runoff are anticipated. Review and approval for compliance with the Stormwater Management rule, N.J.A.C. 7:8, is largely the responsibility of the local governing body and accomplished through the Department's issuance of a Municipal Separate Storm Sewer System (MS4) Permit. The stormwater analysis would be captured through the Division of Water Quality permitting process and is outside the scope of the WQM Planning rules at N.J.A.C. 7:15. The WQM Planning analysis represents only one part of the permitting process and other issues may need to be addressed. Inclusion in the sewer service area resulting from adoption of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any federal, state, county or municipal review agencies with jurisdiction over this project/activity,

10. COMMENT: The amendment failed to include a secondary and/or cumulative impact analysis or a ground water depletion analysis.

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

RESPONSE: A ground water depletion analysis is not a component of the WQM Planning rule at N.J.A.C. 7:15. Moreover, the abeyance of discharge from the failing septic systems would have minimal effect to ground water depletion because septic discharge is to the Kirkwood-Cohansey water-table aquifer which interacts with surface water. Recharge to the aquifer is principally from precipitation.

The WQM Planning analysis represents only one part of the permit process and other issues may need to be addressed. As part of the State Revolving Fund loan program review an environmental impact analysis will be required. Through this process, a planning analysis will be required in accordance with the CWA, that will require an environmental impact assessment, alternatives analysis and a public participation process. Ground water depletion is only reviewed in the context of drinking water projects and aquifer withdrawal/allocations; thus, it would not be part of their review for the Downe Township project. Inclusion in the sewer service area resulting from adoption of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any federal, state, county or municipal review agencies with jurisdiction over this project/activity.

11. COMMENT: Climate change is already happening and Downe Township has succumbed to coastal erosion of coastal wetlands the equivalent of up to a football field a year. According to several Zillow reports, this project is in one of most vulnerable areas on the east coast for climate impacts. The future service areas such as Fortescue, Fortescue Park, Gandy's Beach Villages, and the Raybins Beach are going under water and properties should be bought out. Blue Acres has been currently buying out these properties and looking to buy more properties. Given the 50-year planning horizon, there will be a 2-3 foot rise in coastal water. This whole area could be going under water. As conditions are getting worse, adding more development will put people in harms way. Instead of pushing forward this wastewater facility, the Department needs to update our adaptation for sea level mitigation program, our shore protection plan, and have a Coastal Commission. The Department should update new FEMA flood maps for sea level rise, update building codes, and start to implement adaptation and hazard planning as part of their resiliency

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

model. Other water protection rules such as the Wetlands Rules, Water Quality Management Planning Rules, Flood Hazard Rules, Waiver Rules, Stream encroachment, Stormwater Rules, that encourage development and cause more flooding and pollution should also be updated.

RESPONSE: Properties (including structures) that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage, are eligible for acquisition under the Department Blue Acres Program. The Blue Acres Program has been active in areas of Downe Township, having purchased 26 properties, and is currently working on a second round of buyouts. Additional information regarding the Blue Acres program can be found at <https://www.nj.gov/dep/greenacres/>. While this amendment is compliant with Department regulations, the Department recognizes that Downe Township and other municipalities will be impacted by climate change and is looking at our policies, programs, and regulations to determine how climate change can be addressed to ensure that our investments are being made in the most sustainable way going forward. Additionally, the Department is committed to providing effective responses to current and future climate change threats through the New Jersey Protecting Against Climate Threats (NJ PACT) initiative. Additional information regarding the Department efforts regarding climate change and coastal resiliency can be found at <https://www.nj.gov/dep/climatechange/>.

12. COMMENT: Downe Township is home to many habitats of endangered and threatened species and the Delaware Bayshore Byway has been declared as a globally significant birding area for over 150 different birds. These changes to the WQM Plan could open up these critical areas to massive development and urbanization. Sewers and related infrastructure determine local land use and future growth more than anything else. It is the major force behind urbanization of rural and environmentally sensitive lands and will have serious impacts on Fortescue's wildlife.

RESPONSE: The Department conducted an evaluation of the adopted SSA map using a GIS shapefile provided by the applicant compared to the Department's GIS data layers available at <http://www.nj.gov/dep/gis/listall.html> to determine the presence of any environmentally

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

sensitive areas in accordance with N.J.A.C. 7:15-4.4(e) including endangered and threatened species and Natural Heritage Priority sites. The Department determined that the SSA does not contain any areas mapped as endangered and threatened wildlife species habitats Rank 3, 4, or 5 on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife based on the "Landscape Project Data" Version 3.3 GIS data layers in accordance with N.J.A.C. 7:15-4.4(e)1. The Department determined that the SSA adopted by this notice does not contain any areas mapped as Natural Heritage Priority Sites based on the "Natural Heritage Priority Sites" GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)2 .The sewer service area is limited to the existing development and limited undeveloped lots that meet the definition of infill development. Additionally, the WWTP Department approvals will limit the facility and flow discharge to the projected wastewater flow of 0.146 mgd from existing development within the SSA, which represents buildout under current zoning.

13. COMMENT: The impacts of stormwater runoff and nonpoint source pollution were not reviewed. The change in sewer service will mean additional development that will result in more pavement and impervious cover, and increased stormwater runoff and pollution to waterways. This could also lead to over pumping aquifers, lowering the water table, and drying up of streams and wetlands, eventually impacting the Delaware Bay.

RESPONSE: The sewer service area will limit service to existing development and limited undeveloped lots that meet the definition of infill development. This will not significantly increase impervious cover, stormwater runoff, nonpoint source pollution, or drinking water use. The WQM Planning analysis represents only one part of the permitting process and other issues that made need to be addressed will be captured through the respective permitting programs. Inclusion in the sewer service area resulting from adoption of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any federal, state, county or municipal review agencies with jurisdiction over this project/activity,

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

14. COMMENT: The plant will encourage development and sprawl in order to make these plants cost effective. As these plants get older and have to be replaced or rebuilt, it will lead to the extension of sewer lines into these areas leading to more development and sprawl. This project will bring in sewers and pipes leading to more development that will increase nitrate and phosphorous discharge into our waterways. Under New Jersey law and bond covenants of sewer plants, properties within 100 feet of a sewer line are required to connect to the line. This will lead to more sprawl and development as more properties will have to hook in, on top of the 13,000 acres added to sewer service.

RESPONSE: The sewer service area for the proposed WWTP is 105 acres and is limited to existing development within the Fortescue/Gandy's Beach area with the exception of the parcel for the proposed treatment facility. The proposed treatment facility is being designed to treat the projected flow of 0.146 mgd which was calculated based on the existing development. Any additional flow or expansion of the sewer service areas would require a new amendment to the WQM Plan. The Department believes the comment regarding the requirement of properties within 100 feet of a sewer line to connect is in reference to a provision of N.J.A.C. 7:9A, the rule governing Standards for Individual Subsurface Sewage Disposal System. However, the comment is unsubstantiated as there are criteria limiting connection to available sewer lines. Among other criteria, at N.J.A.C. 7:9A-1.6(e)2, the property to be served must be located within the designated sewer service area of the sewage treatment plant to which the sanitary sewer line is connected.

Sewer service is not guaranteed by this amendment since it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area resulting from adoption of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any Federal, State, county or municipal review agencies with jurisdiction over this project/activity.

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 5, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

____2/25/2021____

____SIGNED_____

Date

Kimberly Cenno, Bureau Chief

Bureau of Environmental Analysis, Restoration and Standards

Division of Water Monitoring and Standards