

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

AMENDMENT TO THE NORTHEAST WATER QUALITY MANAGEMENT PLAN

Public Notice

Take notice that on **SEP 19 2006**, 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. 7:15-1 *et seq.*, an amendment to the Northeast Water Quality Management Plan was adopted by the Department of Environmental Protection (DEP). The amendment consists of a Wastewater Management Plan (WMP) for Livingston Township, Essex County. The Livingston Township WMP encompasses all or portions of the following:

The WMP is for a re-rating of the existing Livingston Township Wastewater Treatment Plant (WTP) from the current permitted 12-month moving average flow of 4.2 million gallons per day (mgd) and maximum monthly average flow not to exceed 6.5 mgd to a permitted 12-month moving average flow of 4.62 mgd and maximum monthly average flow not to exceed 7.15 mgd. The Livingston Township WMP does not propose an increase in pollutant load discharged from the WTP. The Livingston Township WTP discharges to the Passaic River under New Jersey Discharge elimination System permit No. NJ0024511. No expansion of the Livingston Township WTP sewer service area is proposed. This re-rating will address existing development, known proposed development, and buildout projections of other developable lands within the Township. In terms of the portions of Livingston Township served by other WTP's, the WMP identifies the following: (a) the corrected service area to the joint meeting of Essex and Union Counties WTP; (b) the Rosedale Estates tract of Livingston Township within the Pasippany-Troy Hills WMP area and WTP service area; and, (c) the area of Livingston Township within the Caldwell Borough WMP area and WTP service area.

This amendment proposal was published in the New Jersey Register on December 6, 1999. The DEP received written comments from 3 persons or agencies. A summary of the comments received on the WMP and DEP's responses thereto, are included below.

Summary of Public Comments and DEP Responses on Livingston WMP

<u>#</u>	<u>Commenter</u>	<u>Affiliation</u>
1	James G. Duprey	Passaic Valley Water Commission
2	Andre W. Zinkevich	Applied Wastewater Management, Inc.
3	Mary Arnold	Citizen of Morristown

1. COMMENT: The Passaic Valley Water Commission (PVWC) provided comments indicating that: a) the discharge from the modified wastewater treatment plant should meet all NJPDES Water Quality Requirements including the 1 mg/l phosphorus limit; and b) Livingston should continue to work with the DEP drought coordination efforts and PVWC to control nitrate loadings on the Passaic River.

RESPONSE: a) The amendment does not allow an increase in pollutant load for any parameter. The discharge from the Livingston Township WTP will be subject to the requirements of the NJPDES permit that are in effect at the time of discharge. Livingston Township's NJPDES permit no longer contains a 1 mg/l phosphorus limit. Livingston Township is part of a settlement agreement with the Department regarding the phosphorus limit and has agreed to maintain the existing effluent concentration for phosphorus and explore interim low cost phosphorus reduction measures while the Total Maximum Daily Load is developed for phosphorus (and other parameters) in the Passaic River Basin in lieu of the 1 mg/l phosphorus limit. The Passaic River TMDL is scheduled to be established by the Department by June 2002 under a Memorandum of Agreement with USEPA. Livingston Township, along with the other parties to the settlement agreement, will help fund the TMDL study. The re-rating allows for more flow but does not allow for more pollutant loading to the Passaic River.

b) Livingston Township has and continues to participate in the Department's ongoing efforts to coordinate and implement the Passaic River Basin Drought Emergency Monitoring Program that was initiated in the fall of 1999 to address drought-related water quality concerns including nitrate levels in the Passaic River.

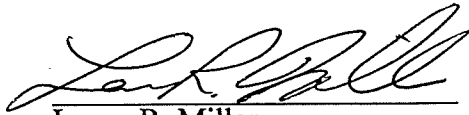
2. COMMENT: Applied Water Management, Inc. submitted comments on behalf of Care Two, a developer within Livingston Township. The comments indicated that Care Two is generally in favor of the Amendment, but they requested that future estimated flow to Livingston STP be increased to include the Care Two proposed development which was granted site plan approval and a use variance by the Livingston Zoning Board of Adjustment on 11/30/99.

RESPONSE: The Existing Wastewater Facilities and Service Area Map submitted as part of August 1999 WMP for Livingston illustrates that the parcel of land for the Care Two proposed development is included in the extent of the actual sewer service area to the Livingston wastewater treatment plant. However, the WMP does not address the change in zoning as this occurred after the WMP and associated maps were submitted to the Department for review. Consequently, the change in zoning and the amount of wastewater that would be generated is not accounted for in the WMP. The Department does agree that it would be logical for this property to be provided sewer service via the Livingston Township STP; however only minor changes can be made to the publicly noticed WMP upon adoption without rendering the public notice process useless. It is not known at this time how the proposed expansion to the sewer service area for the proposed development would impact the flow to Livingston STP. The addition of this proposed development to the WMP cannot be included at this time. It is recommended that the applicant seek an amendment to the Livingston Township WMP to include this project.

3. COMMENT: A comment was received from Ms. Mary Arnold of Morristown indicating that DEP, Livingston Township and its consultant should ensure that the re-rating of Livingston STP would not facilitate further destruction of Hatfield Swamp and other critical areas of this wetlands complex.

RESPONSE: The approval of this amendment is for an increase in the maximum monthly average flow not to exceed 7.15 mgd to address existing and proposed development, contingent upon no increase in loading to the Passaic River from existing permit conditions. The WMP also does not propose any new sewer service areas associated with the Livingston TWP; therefore, the re-rate should have no impact on Hatfield Swamp and wetlands complex.

This amendment was evaluated in accordance with Executive Order 109 and N.J.A.C. 7:15-5.18 and no alternatives analyses are required. This amendment is approved with the condition that there be no increase in pollutant load from the Livingston Township STP as a result of the re-rate proposed in the WMP. 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: effluent limitations; capacity assurance; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under other federal or State statutes or rules.



Lance R. Miller
Director
Division of Watershed Management
Department of Environmental Protection

9/19/00
Date