

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE SUSSEX COUNTY, UPPER RARITAN,
AND UPPER DELAWARE WATER QUALITY MANAGEMENT PLANS

Public Notice

Take notice that on **MAY 21 2008**, 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 Sussex County, Upper Raritan and Upper Delaware Water Quality Management (WQM) Plans was adopted by the Department of Environmental Protection (Department). This amendment modifies the Musconetcong Sewerage Authority (MSA) Wastewater Management Plan by expanding the sewer service area of the MSA Sewage Treatment Plant (STP) to include 45 existing lots located along Southard Road, Parker Road and Circle Drive within the Borough of Mount Arlington and Roxbury Township, Morris County. The expanded sewer service area includes 38 existing single-family dwellings and two apartment dwellings located within the Borough of Mount Arlington and six existing single-family dwellings located in Roxbury Township. The residential properties within the Borough of Mount Arlington are identified as Block 3, Lots 1, 3 & 4; Block 4, Lots 1, 2, 4, 5, 6, 7, 9, 11, 13, 14, 16 & 17; Block 5, Lots 1, 3, 5, 7, 8 & 10; Block 6, Lots 1, 3, 4, 6, 7, 8, 13, 14, 15, 17, 18 & 20 and Block 8, Lots 1, 4.01, 9.01, 9.02 & 19. The two apartment dwellings are located on Block 9, Lot 1. The six existing single-family lots within Roxbury Township, Morris County are Block 13401, Lots 4, 5, 6, 7, 8 & 9. The location of these existing parcels was previously approved proposed sewer service area that had been rescinded as a result of the Highlands Act, which immediately withdrew previously approved sewer service area in the Preservation

Area where wastewater collection systems had not been installed as of August 10, 2004.

On March 7, 2006, the Department issued a Highlands Applicability Determination and Water Quality Management Plan Consistency Determination for the “Parker Road, Circle Drive, Southard Road, Sewer, Water and Roadway Improvements Project”. At that time, the Department determined the proposed activity for the connection of existing, single-family dwellings to municipal potable water supply and sewer by means of conveyance infrastructure to be installed during the reconstruction and improvements to existing roadways of Parker Road, Circle Drive and Southard Road to be *Not Exempt* from the Highlands Water Protection and Planning Act and *Inconsistent* with the areawide WQM Plans.

As a result of the Agency Determination, the applicant was required to pursue approvals for the proposed project activity through the Highlands Preservation Area Approval Application and Waiver (Highlands Waiver) process. To that end, the Borough of Mount Arlington submitted a formal request for a Highlands Waiver to the Department on September 18, 2006. The application indicated that the basis for the waiver for implementation of all the proposed activities including the reconstruction and improvements to existing roadways and the connection of existing developed parcels to municipal potable water supply and sanitary sewer by means of conveyance infrastructure, was that these improvements are necessary to protect public health and safety pursuant to N.J.A.C. 7:38-6.5 of the Highlands Water Protection and Planning Act Rules.

The Department concluded that portions of the proposed activities, specifically the extension of the existing force main for potable water to serve the 19 single family homes and the major road expansions did not satisfy the criteria for the granting of a

health and safety waiver. This was due, in part, to the fact that it was not verified by the Borough Health Department that the existing wells were contaminated.

However, while the request for the connection of the existing dwellings to the municipal water supply did not provide a basis for a health and safety waiver, the application information submitted to the Department indicated the individual subsurface sewage disposal systems currently serving 44 existing single-family dwellings and the two apartment dwellings constructed between 1930 and 1970 on generally small lots, posed a high potential for failure. Furthermore, in June 2003 the Department established "Total Maximum Daily Loads (TMDL) for Phosphorus to Address 4 Eutrophic Lakes in the Northwest Water Region". The TMDL included the Lake Hopatcong watershed and assessed phosphorus present in excess of the Surface Water Quality Standards, N.J.A.C. 7-9B. This TMDL was developed due to significant ongoing water quality degradation as a direct result of increased phosphorus levels. The United States Environmental Protection Agency (USEPA) approved this document in September 2003.

The Department TMDL study attributes approximately 1,600 kg/yr or 32% of the Lake Hopatcong total phosphorus load to septic systems in the watershed study areas surrounding the lake, including Mount Arlington. The TMDL calculated a loading capacity of 850 kg/yr for total phosphorus from septic systems or a 47% load reduction. Additionally, in September 2007, the Department established "Total Maximum Daily Loads for Pathogens to Address 11 Lakes in the Northwest Water Region". The TMDL assessed Fecal Coliform impairment in the Lake Hopatcong watershed. The TMDL states that failing septic systems can be a source of Fecal Coliform. The load allocation reported in this TMDL set an overall reduction of 97%. The construction of collection systems to connect the unsewered existing development within the municipalities of the study area is consistent with the TMDL

reports and strongly recommended by the Department. In an effort to assist in the prevention and remediation of the impaired lake, the Department has given a high priority to reserving/dedicating MSA STP flow allocation to serve existing unsewered portions of the Lake Hopatcong Watershed.

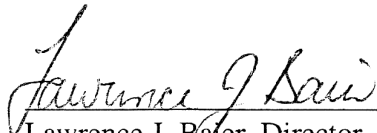
As a result of the findings contained in the Lake Hopatcong TMDL, the Department determined that the connection of the existing 45 aging septic systems, located within the vicinity of the TMDL study area, will aid in the accomplishment of restoration of water quality and hence, satisfied the criteria for a Health and Public Safety Waiver. Accordingly, the Department is adopting this Water Quality Management Plan (WQMP) amendment related to the Highlands waiver request for the expansion of the MSA STP to serve the 45 existing developed parcels in accordance with the procedures for review of a Highlands Preservation Area Approval Application under N.J.A.C. 7:38-11.6(b) of the Highlands Water Protection and Planning Act Rules.

The total projected wastewater flow due to the proposed expansion of the MSA STP sewer service area to include the 44 single-family homes and the five 2-bedroom units calculated in accordance with N.J.A.C. 7:14A-23.3, is 14,325 gallons per day. No expansion to the MSA STP is proposed to accommodate the projected increase from the expanded service area. The expanded sewer service area only would include these developed lots.

This proposed amendment has been reviewed in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. This evaluation determined that the threshold for Executive Order 109 (2000) (EO109) was not triggered, therefore, alternative and environmental impact analyses were not required for this proposed amendment.

This amendment proposal was noticed in the New Jersey Register on February 4, 2008 at 40 N.J.R. 811(a). A public hearing on the proposed WQMP amendment, was conducted by the Department at the Borough Hall Council Chambers, Borough of Mount Arlington on March 5, 2008. No testimony was received during the public hearing. A comment containing a recommendation for adoption was received from the Highlands Council. The Department acknowledges their support for this amendment.

This proposed 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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Division of Watershed Management
Department of Environmental Protection

Date **MAY 21 2008**