

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES

Amendment To The Tri-County Water Quality Management (WQM) Plan

Public Notice

Take notice that on May 11, 1987 pursuant to the provisions of the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the "Water Quality Planning and Implementation Process" Regulations (N.J.A.C. 7:15-3.4), an amendment to the Tri-County Water Quality Management Plan was adopted by the Department. This amendment is to include a revised and updated version of Map 4-3, the Tri-County sewer service area map. The revised map will not supercede any municipal or regional sewer service area map where the existing map is more accurate or more specific. The revised map will also prohibit development requiring sewer or septic service in freshwater wetlands. This exclusion will apply to all infrastructure associated with any proposed development including sewers, roads, stormwater and other structural facilities, except those facilities determined by the DEP to be unavoidable.

The following is a summary of comments submitted to the Department during the 30-day public comment period ending on March 29, 1987. Not all comments required a response. Where more than one comment addressed the same issue, the Department's response is to that general issue.

Summary Of Comments And Agency Responses:

Comment 1: Supports the plan amendment as it would expand the sewer service area of Delran Township to include the site of a proposed development. This action will make it possible for the Delran Township and the Delran Sewerage Authority to fulfill their obligations under Mount Laurel litigation.

Response: No response necessary.

Comment 2: Objects to the language of the amendment which would prohibit infrastructure associated with any proposed development in freshwater wetlands. The amendment would prohibit development of residential property containing wetlands, even if the encroachment was minor and was needed to serve the uplands portion of the property. Requests a public hearing or the opportunity to present documentation justifying the need for a minor wetlands encroachment for a particular development.

Comment 3: Objects to the language of the amendment which would prohibit development in wetlands as NJDEP does not have the statutory authority to prohibit all activities in wetlands, and because there is no formally accepted criteria or standards to define wetlands or to review development proposals.

Comment 4: Requests a clarification of the language of the amendment which would prohibit development in wetlands. Requests that alternative language be substituted which does not conflict with the U.S. Army Corps of Engineers (USACOE) wetlands permit program and NJDEP stream encroachment policies and actions.

Response: The proposed plan amendment would not prohibit all encroachments in wetlands. It would, however, prohibit those encroachments determined by the


Department to be avoidable. The language of the plan amendment regarding wetlands encroachment is intended to reinforce the position of the Department, which is to discourage development in wetlands. Projects would be reviewed on a case by case basis to ensure that encroachments in wetlands are unavoidable. The Department accepts the criteria used by the USACOE for defining freshwater wetlands. Where wetlands encroachments are unavoidable and necessary to serve upland development, such activities may be approved without the need for a Water Quality Management Plan amendment. This requirement should not be construed as prohibiting or preventing residential development of property and is consistent with existing environmental laws and regulations. The Department has both the authority and the responsibility under various State and federal statutes to protect wetlands resources and to regulate activities which may adversely impact this resource.

The Department has determined that there is no need to hold a public hearing since the plan amendment has already undergone significant public review through the Delaware Valley Regional Planning Commission and the State Water Quality Management Plan amendment process. The alternative language recommended as a substitute would be inappropriate for this amendment. However, the recommendation will be taken into consideration for future plan amendments, where appropriate.

Comment 5: The revised sewer service area map excludes a portion of a proposed development in Lumberton Township. As most of the project is located within the revised sewer service area, the map should be revised to include the entire site.

Response: The sewer service area map will be revised as requested.

DATE: JUN 2 1987



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