

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE ATLANTIC, CAPE MAY, LOWER DELAWARE, LOWER RARITAN/MIDDLESEX, MERCER, MONMOUTH, NORTHEAST, OCEAN, SUSSEX, TRI-COUNTY, UPPER DELAWARE AND UPPER RARITAN AREA WIDE WATER QUALITY MANAGEMENT PLANS, EXCEPT FOR THE AREA WITHIN THE HIGHLANDS PRESERVATION AREA

Public Notice

Take notice that on October 11, 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. 7:15-3.4), an amendment to the Atlantic, Cape May, Lower Delaware, Lower Raritan/Middlesex, Mercer, Monmouth, Northeast, Ocean, Sussex, Tri-County, Upper Delaware and Upper Raritan Water Quality Management (WQM) Plans was adopted by the Department of Environmental Protection (Department). This amendment excludes the area within the Highlands Preservation Area as designated at N.J.S.A. 13:20-7b, which is adopted elsewhere in this issue of the New Jersey Register. Through this amendment the Department adopts a Statewide digital coverage of adopted wastewater service areas.

As a result of this amendment, the geographic extent of adopted wastewater service areas will be reflected in a GIS electronic coverage in the areawide WQM Plans. Previously the adopted wastewater service areas existed on numerous paper maps of varying scales. This amendment replaces those paper renditions with a digital GIS coverage. This enables the Department to make current adopted wastewater service areas available to the designated planning agencies, wastewater management planning agencies, State and local planning agencies and the general public through the Department's GIS website. Future amendments to the areawide WQM Plans would be integrated into the electronic coverage as they are adopted by the Department. Persons interested in reviewing the adopted maps can access them at www.nj.gov/dep/gis/newdata.htm.

This amendment proposal was noticed in the New Jersey Register on October 17, 2005 at 37 N.J.R. 4069(a). Public hearings conducted by the Department on the proposed WQM Plan amendment were held on November 17, 21, and 30, 2005. Written and verbal

comments received on this amendment during the public comment period were entered into the record and considered by the Department.

Summary of Public Comments and Agency Responses:

The following people submitted written and/or oral comments on this amendment:

Number – Commenter Name, Affiliation

1. Joseph Augustyn, Richard A. Alaimo Association of Engineers
2. Nancy Wittenburg, New Jersey Builders Association
3. James Hockensmith, EnCap Golf
4. McClellan Blair, Aqueonics Inc.
5. Jack Schrier, Morris County Board of Chosen Freeholders
6. Bernard Navatto, Somerset County Planning Board
7. Jerome F. Sheean, P.E., T & M Associates on behalf of Northwest Bergen County Utilities Authority and Western Monmouth Utilities Authority
8. Edward Broberg, T & M Associates on behalf of Holmdel Township
9. Patty Elks, Delaware Valley Regional Planning Commission

The comments submitted and the Department's responses are summarized below. The number(s) in parentheses after each comment identifies the respective commenter(s) listed above.

1. **Comment:** The digitized mapping contains errors and or incorrectly delineated sewer service areas. Several commenters included copies of mapping of the areas in question or detailed requested corrections to specific mapped locations. Commenters also suggested the use of better maps that have been developed under various other projects. (3), (5), (6), (7), (8) & (9)

Response: The methodology utilized to obtain the proposed electronic mapping entailed the digitizing of the adopted WMP mapping in the affected area. Department staff verified the digitized sewer service area boundaries against the most recent, adopted sewer service area mapping. Project specific location maps of individual amendments

were also verified by staff and digitized. Where no adopted WMP was available, the most recent information on service areas included in the Areawide Plans was used, including information from the following sources: narrative, plan amendment mapping, and 201 facilities plan mapping.

The Department acknowledges that more recent and detailed mapping may exist in some areas; however those maps have not been adopted into the WQMPs and therefore could not be used. These other mapping sources can be utilized by the Wastewater Management Plan (WMP) agencies during development and updating of their WMPs.

All comments received during the comment period of this amendment indicating inaccuracies with the digitized mapping were checked by Department staff. If verified with infrastructure documentation, the correction was made. If the comment indicated that an area should have been mapped as a particular wastewater service area, but the adopted wastewater service area mapping maintained by the Department did not support the commenter, then the Department did not change the wastewater service area designation from that originally proposed. If the adopted wastewater service area mapping did support the comment, then the wastewater service area designation was changed.

The Department also acknowledges that there may be additional minor corrections of wastewater service area designations or boundaries identified in the future. The Department will maintain the adopted paper renditions of wastewater service areas until such time as WMPs are updated so that future questions can be resolved. If the Department determines based on a comparison of the adopted paper mapping with the adopted digitized coverage that a mistake was made in the digital coverage, the Department will correct that mistake via a mapping correction under N.J.A.C. 7:15-3.5.

2. Comment: Several commenters requested a 30-day extension to the comment period. Reasons cited were potential discrepancies with the proposed digitized mapping and the fact that the final adopted mapping would have some bearing on the NJDEP regulatory review and it was difficult to review or access the information. One commenter offered

to work in conjunction with the Department staff to resolved theses inconsistencies to produce the most accurate map possible. (1), (3), (4), (5), (6) & (9)

Response: The Department posted the information on its website with free access to all the noticed information. Additionally, the Department addressed all pertinent comments regarding the mapping inaccuracies to the greatest extent possible. All attempts were made to verify any comments concerning perceived inaccuracies with the proposed digital coverage of the wastewater service areas. If the comment indicating an inaccuracy was verified, the digital coverage was modified to correct the inconsistency.

In order to reflect the most accurate sewer service area possible, the Department re-evaluated the electronic mapping for quality control prior to adoption. However, if any future WQMP amendment application can demonstrate with valid documentation that an error exists, the Department shall process a revision to the applicable WQMP to correct the error.

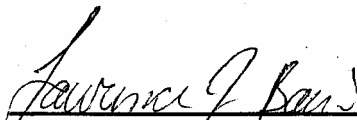
The Department determined that a 30-day extension to the public comment period on this amendment is not necessary. The Department does not believe that an extension of the comment period would likely result in the Department receiving comments relevant to the amendment that raise issues or provide new information, data or findings that were not previously raised or provided during the development of the proposed amendment or during the comment period.

3. Comment: One commenter requested that WMP agencies be required to review and confirm the mapping. (2)

Response: The Department provided an opportunity for WMP agencies to review and confirm the accuracy of the Department's GIS mapping. Those that provided comments were considered as detailed in the response to comment 1 above and changes to the wastewater service area designations or boundaries were made accordingly.

4. Comment: Commenters voiced support for digital GIS mapping through this proposed amendment. (1) & (6)

Response: The Department acknowledges the commenters' support for this amendment.



Lawrence J. Baier, Director
Division of Watershed Management
Department of Environmental Protection

10/11/06

Date