

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE PLANNING

ADOPTED AMENDMENT TO THE TRI-COUNTY WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that on **MAR 24 2011**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, an amendment to the Tri-County Water Quality Management (WQM) Plan was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of the Mount Holly Municipal Utility Authority (MHMUA) provides for a Wastewater Management Plan (WMP) that will re-delineate the MHMUA sewer service area within the boundaries of the following municipalities located in Burlington County: Eastampton Township, Hainesport Township, Lumberton Township, Mount Holly Township, the eastern portion of Westampton Township and a limited northeastern portion of Moorestown Township consisting of the Laurel Creek residential area. The WMP identifies wastewater service designations as either Future Sewer Service Area of the MHMUA Sewage Treatment Plant; Individual NJPDES permitted Ground Water Discharge locations or Restricted Septic Areas.

As part of this WMP, areas of what was previously approved sewer service area that have never been connected to the MHMUA system, and which have been identified as environmentally sensitive areas, are removed from the MHMUA STP sewer service area. The locations removed from the previously approved sewer service area have been designated "Restricted Septic Service Area

(Planning Flows of 2,000 Gallons per Day (GPD) or Less AND Less than 6 Residential Units).”

In areas designated as Restricted Septic Service Area, any proposed subdivision resulting in six or more dwelling units or any development with a wastewater design flow in excess of 2,000 gpd to be served by subsurface disposal systems would be considered inconsistent with the WQMP. Consequently, an amendment to the WQMP would be required. In support of the proposed amendment, the applicant would be required to demonstrate that the proposed project complies with the nitrate planning standard of two mg/l in accordance with N.J.A.C. 7:15-5.25(h)2 using the Department’s Recharge Based Nitrate Dilution Model, or the proposed development must be located within a municipality which has demonstrated that its existing zoning is consistent with the Department’s Recharge Based Nitrate Dilution Model at the Hydraulic Unit Code (HUC) 11 scale.

Currently, the MHMUA Sewage Treatment Plant (STP) (#NJ0024015) has a permitted capacity of 7.68 million gallons per day (MGD) and discharges to the North Branch of the Rancocas Creek, a designated Category 2, (C2), Fresh Water 2 (FW-2) waterway as classified under the Surface Water Quality Standards, N.J.A.C. 7:9B.

This amendment includes a minor expansion of the previously approved sewer service area of the MHMUA STP on Block 22, Lot 7.01 within Lumberton Township. The increase in the sewer service area was requested in order to serve the future wastewater needs from proposed residential development identified as the Transfer of Development Rights II project. In addition, this WMP allows for the connection of existing septic systems which are located within the proposed

SSA. The MHMUA WMP reduces the previously approved sewer service area to eliminate environmentally sensitive areas (ESA's).

As originally proposed in the New Jersey Register on August 16, 2010 at 42 N.J.R. 1911(c), it was stated that, as a result of the elimination of SSA from identified ESA's, approximately 4,190 acres were to be removed from the previously adopted SSA. However, as a result of necessary adjustments in the SSA identified by Eastampton and Lumberton Townships, this acreage has been modified as described below.

Lumberton Township requested the removal from the previously adopted sewer service area 69 existing lots served by individual subsurface disposal systems. These existing lots are comprised of two residential developments known as Starling Chase and Marriott Farms. The area encompasses approximately 168 acres. The removal was requested because these existing developments were approved based on zoning for large lots to be served by individual subsurface disposal systems. Accordingly, there is no intention for these lots to be connected to MHMUA STP.

Eastampton Township provided information supporting the inclusion of a 34 acre site that the proposed sewer service area mapping mistakenly designated as septic area. This site is reserved for development as part of a Town Center zoning designation. This Town Center designation was formally implemented based on a series of adopted amendments (#2008-14 and #2008-25) to the township zoning code. The 34 acre component of the designated Town Center zone, located at the triangle formed by Monmouth Road and Woodlane Road, is planned to be served by the MHMUA.

Upon further analysis of the request for inclusion of the 34 acre Eastampton Township Town Center site in the area designated for sewer service, the Department discovered that approximately 50 acres of an adjacent Public Open Space zoned as Town Center Civic was erroneously delineated as proposed sewer service area. A correction to the adopted future sewer service area removed this 50 acre tract.

Additionally, the adopted amendments to the Eastampton Township zoning ordinance provided for changes to the Business Park zoning districts which allowed for increase in the building coverage from 20 percent to 50 percent. As discuss below, these changes resulted in a revised build-out analysis wastewater flow projections.

The net result of these changes is a further reduction of the proposed future sewer service area by 184 acres. Consequently, a revised total of 4,372 acres have been removed from the previously adopted SSA.

As part of this amendment, adjustments to the sewer service area delineation have additionally been made in order to more accurately reflect the existing tax parcel boundary lines for the municipalities within the MHMUA service area. As a result of more accurate digital parcel mapping and Geographic Information Systems technology, this WMP re-delineates portions of the sewer service area to accurately identify lots currently served by the MHMUA STP and revise the sewer service area to correspond to the boundary lines of lots proposed for connection to the sewer system.

This amendment has been reviewed in accordance with Executive Order 109 (2000) (EO-109) and N.J.A.C. 7:15-5.18. This WMP incorporates an

environmental constraints/build-out (build-out) analysis to identify future projected flow from the proposed service area to ensure there will be sufficient capacity at the MHMUA STP to accommodate future need. This build-out analysis was conducted for all parcels within the existing and proposed sewer service areas. The existing wastewater flow received at the MHMUA STP from the currently delineated sewer service area was calculated as the total combined metered flow reported to the Department for the years 2004 thru 2009 and expressed as the annual average of the monthly average flow.

For those portions of the existing sewer service area that are either undeveloped or underdeveloped based upon existing zoning and for areas proposed to be added to the sewer service area, the projected wastewater flow was calculated in accordance with N.J.A.C. 7:14A-23.3. Calculations were based upon the current municipal zoning and included potential development of all remaining parcels of vacant land, underdeveloped residential and commercial property, and any existing parcels currently served by individual subsurface sewage disposal systems that are located within the proposed sewer service area. Environmentally constrained areas were excluded from the sewer service area for purposes of projecting wastewater flow. The environmentally constrained areas excluded in projecting wastewater flow from the proposed sewer service area included wetlands, preserved open space and documented flood prone areas or protected riparian corridor areas where development would be prohibited.

The existing wastewater flow and calculated projected wastewater flow were combined to determine the total projected wastewater flow from the proposed MHMUA STP service area. At the time the proposed amendment was originally noticed, this total projected wastewater flow was determined to be 5.29 MGD.

However, the above referenced amendments to Eastampton Township zoning ordinance which were not reflected in the original MHMA WMP build-out analysis, resulted in a new projected wastewater flow of 5.45 MGD. The removal of the approximately 50 acres of open space designated as Town Center Civic, which was mistakenly included in the proposed sewer service area did not impact the projected flow as no wastewater was attributed to this open space area in the original analysis.

The removal of the 168 acres in Lumberton Township does not affect this projected flow as these existing dwellings, served by septic systems, contributed no new wastewater flow and were not accounted for in the build-out analysis. Both as originally proposed and with the adjustments being made on adoption, no expansion of the STP, which has a permitted capacity of 7.68 MGD, is required.

To satisfy the Nonpoint Source Pollutant Loading/Hydromodification Analysis, the adoption of an ordinance ensuring compliance with the performance standards of the Stormwater Management rules, N.J.A.C. 7:8, was necessary. To comply with this requirement, each municipality with sewer service to the MHMUA has submitted and obtained approval of their Stormwater Management Plan (SMP) and Stormwater Control Ordinance (SCO) from Burlington County. As provided under N.J.A.C. 7:8, the adopted municipal SCO must meet all the performance standards including the use of non-structural measures, where possible. If non-structural measures alone are insufficient to meet the performance standards, then the proposed project must supplement with structural best management practices (BMPs), as necessary. The approved Stormwater Control ordinances have been adopted in each municipality. As a result, any new proposed development is subject to these stormwater requirements.

In order to satisfy the riparian corridor analysis, it is necessary that riparian areas in the area covered by the WMP be protected. This was achieved by the removal of the Riparian Buffer Conservation Zone (RBCZ) from within the future sewer service area. The RBCZ to be protected varies according to the classification of the waterbody under the Surface Water Quality Standards, N.J.A.C. 7:9B. The RBCZ width required to be removed is the distance on both sides of the stream measured from the top of the bank of the water body. Particularly, for C2 water bodies, the RBCZ is a minimum of 50 feet on each side of the water body. The RBCZ for C2 Trout Production (FW2-TP) and Trout Maintenance (FW2-TM) waters is extended to 150 feet. For Category 1 (C1) waters, the RBCZ is 300 feet. The riparian corridor analysis was satisfied by removal of the RBCZ applicable to each waterbody within the boundaries of the future SSA adopted at this time. Exclusion of the RBCZ from the proposed SSA is reflected in the mapping that is part of the WMP. Where the RBCZ surface water buffers have existing development, the RBCZ has not been graphically removed from the future sewer service area mapping. This analysis is not affected by the inclusion the 34 acre Eastampton Township Town Center zone added to the adopted sewer service area as no RBCZs are located on site.

The Endangered or Threatened Species Habitat Analysis was performed utilizing the Department's Division of Fish and Wildlife, Endangered and Non-Game Species Program "Landscape Project". The Landscape Project identifies areas of critical habitat for Federal and State endangered or threatened species and other species of concern. Endangered and Threatened Species habitats reviewed under this analysis are Rank 5 (Federal endangered and/or threatened species), Rank 4 (State endangered species), or Rank 3 (State threatened species). Ranked 3, 4 or 5 habitat areas have been determined as critical to the overall population and/or survival of the specific species. This analysis must determine that no designated

endangered and/or threatened species habitat areas are within the proposed sewer service area.

This analysis identified Block 7401, Lot 3, an undeveloped parcel in Moorestown Township, as Rank 4 habitat for grassland birds. This location is within the previously approved sewer service area and is proposed for a future Council on Affordable Housing development. As originally proposed and noticed, it was stated that unless this proposed development obtained both local site plan or subdivision approval and Department Treatment Works Approval, prior to the adoption of this WMP, or pursuant to N.J.A.C.7:15-5.24(b) it was demonstrated to the Department that the location is not critical grassland habitat, this parcel would be removed from the proposed MHMUA sewer service area at the time of adoption of this WMP.

Based on a review of the submitted "Grassland Bird Survey at Block 7401, Lot 3 in Moorestown Township, Burlington County, New Jersey", conducted by Herpetological Associates, the Department rendered a conclusion that this property did not provide suitable grassland bird habitat. As this location is not critical to the overall population and/ or survival of the specific species; this site remains within the future sewer service area. Likewise, no designated endangered and/or threatened species habitat areas are identified on the 34 acre Eastampton Township Town Center site included in the adopted sewer service area. Consequently, this analysis is satisfied.

The analysis to evaluate the groundwater impacts and septic system density on a HUC 11 basis for development of those areas outside of the proposed MHMUA sewer service area has not been conducted as part of this amendment. At the time of the submittal of this amendment, the MHMUA had WMP planning

responsibility for the entire area within the municipal boundaries of Eastampton Township, Hainesport Township, Lumberton Township, and Mount Holly Township, as well as responsibility for portions of Westampton Township and Moorestown Township.

However, subsequent to submission of this amendment, the Water Quality Management Planning rules were amended to designate the counties as responsible for the development and submission of a county-wide WMP complying with the provisions of the amended rules. At this time, the Burlington County Board of Chosen Freeholders has formally assumed WMP planning responsibility and is currently developing the county-wide WMP. This proposed County-wide WMP will incorporate the adopted MHMUA WMP. In light of the ongoing development of the county-wide WMP, any analysis to evaluate the groundwater impacts and septic system density on a HUC 11 basis for the area outside of the identified future sewer service area of the MHMUA STP will be conducted as part of the Burlington County WMP.

As indicated above, areas in this MHMUA WMP excluded from the existing and/or future sewer service areas designated as "Restricted Septic Service Area (Planning Flows of 2,000 Gallons Per Day (GPD) or Less AND Less than 6 Residential Units)."

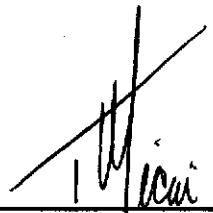
The designation of these areas as Restricted Septic Service Area will be in effect until the evaluation of ground water impacts and septic system density has been conducted and it has been demonstrated that the zoning within the HUC 11 meets the nitrate planning standard of two mg/l. Consequently, any proposed subdivision resulting in six or more dwelling units or any development with a wastewater design flow in excess of 2,000 gpd to be served by subsurface

disposal systems outside of the MHMUA sewer service will be considered inconsistent with the WQMP as long as the area remains designated as Restricted Septic Service Area. Accordingly, a WQMP amendment would be required for such a development. As part of the amendment, the project would be required to demonstrate compliance with the nitrate planning standard of two mg/l as outlined in N.J.A.C. 7:15-5.25(h)2, using the Department's Recharge Based Nitrate Dilution Model.

The Water Use Analysis indicated that New Jersey American Water (NJAW) serves the entire MHMUA planning area through two existing water allocation permits. Water Allocation permit #5025 is for three wells within Mount Holly Township and two wells in Westampton Township. A well field in Mansfield Township contains seven wells as identified in Water Allocation permit #5378. In addition, water is supplied to the MHMUA service areas via an interconnection with the Tri-County Delaware River System. Diversion from this interconnection under Contract No. 6188X6235 approved by the Department allows for the transfer of 3 MGD of supplemental water supply. NJAW requested a modification to the two existing water allocation permits (#5025 & 5378) for a total combined increased diversion from 184 million gallons per month (MGM) to 255 MGM. The Department approved this diversion of 255 MGM under the water allocation permits. The current permitted water allocation of 255 MGM plus the contracted interconnection supplemental supply of 3 MGD provides sufficient water supply capacity for the original build out projections and for the additional increase due to the adjustments to the build-out analysis described above being made on adoption. Therefore, the Water Use Analysis is satisfied.

This amendment proposal was noticed in the New Jersey Register on August 16, 2010 at 42 N.J.R. 1911(c) and no comments were received during the comment period.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to final issuance of all appropriate permits. 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.



Thomas Micai, Director
Division of Policy and Planning
Department of Environmental Protection

3/24/11

Date