

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF COASTAL AND LAND USE PLANNING

PROPOSED AMENDMENT TO THE TRI-COUNTY WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) adopted an amendment to the Tri-County Water Quality Management Plan 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. The Tri-County Water Quality Management Plan covers Burlington, Camden, and Gloucester Counties. This amendment, submitted on behalf of the Board of Chosen Freeholders of Gloucester County as the responsible Wastewater Management Planning Agency, adopts the Woolwich Township Wastewater Management Plan Chapter as part of the Gloucester County Wastewater Management Plan.

The Woolwich Township Wastewater Management Plan Chapter has been prepared pursuant to the applicable sections of the Water Quality Management Planning rules at N.J.A.C. 7:15 and P.L. 2011, c. 203, enacted on January 17, 2012. As adopted, the Woolwich Township Wastewater Management Plan Chapter supersedes all wastewater service area mapping currently contained in the Tri-County Water Quality Management Plan for areas within Woolwich Township in Gloucester County. The Woolwich Township Wastewater Management Plan Chapter identifies areas to be served by sewage treatment facilities/sewer systems as well as areas to be served by individual subsurface sewage disposal systems (septic systems) with design flows of equal to or less than 2,000 gallons per day. The adopted Wastewater Management Plan Chapter

modifies the previously approved sewer service areas for Woolwich Township to reflect the Township's Master Plan and Transfer of Development Rights (TDR) program that was endorsed by the New Jersey State Planning Commission on April 18, 2008.

Pursuant to P.L. 2011, c. 203, the Department, in consultation with the applicable wastewater management planning agency, has determined to approve the inclusion of land within a sewer service area notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modification.

Based upon the new authority provided by P.L. 2011, c. 203, the Department has determined that it is appropriate to approve a Future Sewer Service Area for Woolwich Township that does not currently have the assured capacity to treat wastewater from the area without infrastructure improvements or permit modification. The Department made this determination in recognition of the scope of the comprehensive land use planning completed and implemented by Woolwich Township which supports the protection of surface and ground water quality.

The Department's adoption of the Woolwich Township Wastewater Management Plan Chapter recognizes that additional issues must be addressed before any new or expanded wastewater treatment facility constructed to serve the Township's Future Sewer Service Area may be built. These issues may include, but are not limited to, compliance with the Department's Coastal Zone Management, Flood Hazard, Coastal, and Freshwater Wetlands regulations, as well as stormwater management, water quality, antidegradation, and effluent limitations, and requirements related to the design, siting, and requisite permitting of any

treatment works to be expanded, retrofitted, or newly constructed to serve the Future Sewer Service Area. The Department's adoption of this Wastewater Management Plan Chapter recognizes that the physical provision of sewer service to any particular project site within the Future Sewer Service Area may also be subject to contractual allocations between the Township's franchised wastewater management authority, Aqua New Jersey, the Logan Township Municipal Utilities Authority, and/or private parties, and is not guaranteed by this amendment.

In accordance with N.J.A.C. 7:15-5, environmentally sensitive areas have been assessed to determine what areas are appropriately included in the adopted future sewer service areas. Pursuant to N.J.A.C. 7:15-5.24, environmentally sensitive areas are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One (C1) special water resource protection areas, and wetlands, alone or in combination. These environmentally sensitive areas are not included in the adopted future sewer service area, except as noted below.

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine areas designated as threatened or endangered species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, versions 2.1 and 3.0, as applicable. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species are not included in the adopted future sewer service areas except as provided under N.J.A.C. 7:15-5.24(e) through (h), or unless a site has undergone a site specific Habitat Suitability Determination prepared in accordance with N.J.A.C. 7:15-5.26 that found the site to be not suitable habitat,

or pursuant to N.J.A.C. 7:15-5.24(g)2, the Department determined the environmentally sensitive areas are not critical to a population of endangered or threatened species the loss of which would decrease the likelihood of the survival or recovery of the identified species.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not included in the adopted future sewer service area, except as provided under N.J.A.C. 7:15-5.24(e) through (h).

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along Category One waters and their tributaries are not included in the adopted future sewer service areas, except as provided under N.J.A.C. 7:15-5.24(e) through (h). The required buffer width is applied to both sides of a stream measured from the top of bank of an intermittent or perennial stream, or centerline if the bank is not defined, and from the defined edge of a lake, pond or reservoir at bank full flow or level. Category One waters, their tributaries, are afforded a 300-foot buffer. In addition, as required under N.J.A.C. 7:15-5.20(b)3, the adopted future wastewater service area (FWSA) map text indicates that development in riparian zones, or designated river areas, may be subject to special regulation under Federal or State statutes or rules. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act Rules, the Stormwater Management rules, and the Water Quality Management Planning rules. Most development within these riparian zones is limited by these regulatory programs.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetland pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not included in the adopted future sewer service area, except as provided under N.J.A.C. 7:15-5.24(e) through (h).

Pursuant to N.J.A.C. 7:15-5.24(d), areas with Federal 201 grant limitations that prohibit the extension of sewers to serve development in these areas are excluded from the adopted future sewer service area either where local mapped information exists delineating these areas, or through a narrative from a reliable source where mapping does not exist. Where a narrative approach has been used, it is noted as text on the adopted FWSA. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities), which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this document and compliance is required.

As provided under N.J.A.C. 7:15-5.24(e) through (h), limited environmentally sensitive areas have been included in sewer service areas. Where applicable, Department Wetland, Flood Hazard, and State Open Water Permits or Jurisdictional Determinations have been utilized to determine the extent of the sewer service area on individual lots.

During the development of the Township's Master Plan and TDR program that was endorsed by the New Jersey State Planning Commission on April 18, 2008, Woolwich Township relied on the Department's guidance and direction to prevent adverse impacts to environmentally sensitive areas. The Master Plan and TDR program endorsed by the State Planning Commission directs sewage producing development into two main areas and away from the Raccoon and Oldman's Creek waterways. In recognition that the Township's comprehensive land use planning and implementing ordinances direct growth to appropriate areas, the

Department finds that, pursuant to N.J.A.C. 7:15-5.24(h), the Woolwich Township Future Sewer Service Area may include environmentally sensitive areas as defined at N.J.A.C. 7:15-5.24(b) as it is designed to accommodate center based development and is an element of an endorsed plan approved by the State Planning Commission.

The Woolwich Township Wastewater Management Plan Chapter establishes through analysis that Woolwich Township's current zoning ordinances ensure that development outside of the Future Sewer Service Area utilizing individual sub surface disposal systems (ISSDS, aka septic systems) will not exceed the groundwater quality limit of 2.0 mg/L nitrate established by New Jersey's Ground Water Quality Standards (GWQS) rules at N.J.A.C. 7:9C. This analysis was conducted within a watershed or drainage basin known as "HUC 11" or "hydrologic unit code 11" which is an area where water drains to a particular receiving surface water body that is identified by the United States Geological Survey using an 11-digit hydrologic unit boundary designation. There are three HUC 11 watersheds that fall within Woolwich Township. They are Cedar Swamp / Repaupo / Clonmell Creek (HUC11 No. 02040202140), Raccoon / Birch Creek (HUC11 No. 02040202150) and Oldman's Creek (HUC11 No. 02040202160). The analysis verifies that the base conventional and cluster zoning, as well as the TDR zoning, is adequate to dilute the nitrate concentration of non-NJPDES (less than 2,000 gallons per day) groundwater discharges to two ppm based on the overall dilution available in each of the three listed watersheds.

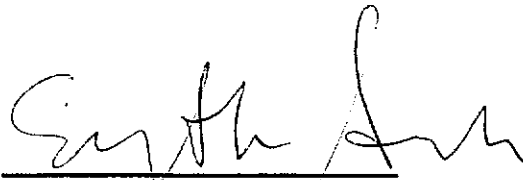
Woolwich Township has adopted an ordinance concerning development in riparian zones which recognizes that these zones may be subject to special regulation under Federal or State statutes or rules. Riparian zones or buffers are established along all surface waters in Woolwich Township, based on the surface

water body's classification designated at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act Rules, the Stormwater Management rules, and the Water Quality Management Planning rules. Generally, new or expanded development within established riparian zones is limited by one or more of these regulatory programs.

As provided under N.J.A.C. 7:15-5.24(e) through (h), limited areas of environmentally sensitive lands (less than 25 acres in size) remain included within the Woolwich Township Future Sewer Service Area. Additionally, where applicable, the Department's Freshwater Wetland, Flood Hazard, and State Open Water permits or Jurisdictional Determinations (Letter of Interpretation, aka LOI) have been utilized to determine the limits of the sewer service area on individual lots.

Notice of this amendment proposal was published in the New Jersey Register on June 4, 2012, at 44 N.J.R. 1731(a). A public hearing on the proposed amendment was held on Monday, July 9, 2012, at the Woolwich Township Municipal Building located at 120 Village Green Drive within Woolwich Township, New Jersey. The hearing was attended by 22 persons representing local, county, and State agency and land development interests. No member of the public commented on the proposed adoption of the amendment, and no comments were received during the public comment period.

The adoption of this amendment does not eliminate the need for any permits, approvals, or certifications required by any Federal, State, County, or municipal review agency with jurisdiction over any project/activity. The adoption of this amendment does not provide any implied approval for any other aspects of any project or needed permits and approvals.



Elizabeth Semple, Manager
Division of Coastal and Land Use Planning
Department of Environmental Protection

9/21/2012

Date