

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION**

Adopted Amendment to the Tri-County Water Quality Management Plan (WQMP)

Public Notice

JUN 04 2015

Take notice that _____, 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 Tri-County WQMP was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of Joseph Bernardino, Managing Member, PlanLand, LLC, expands the sewer service area (SSA) of the Delaware No. 1 Wastewater Pollution Control Facility (WPCF) to include portions of Block 2103, Lots 1, 2, and 3 and Block 2202, Lot 1 for the proposed development of 145 single family homes, located in Berlin Township, Camden County. The project is identified as "Pinedge III", Project Identification No. 435433, Activity No. AMD140006. This amendment updates the Camden County Municipal Utilities Authority (CCMUA) Wastewater Management Plan as well as the Tri-County WQMP.

This adopted amendment has been reviewed in accordance with the Water Quality Management Planning rules, N.J.A.C. 7:15-1 et seq. and P.L. 2011 c.203 as amended and supplemented by P.L. 2013 c.188. The proposal qualifies as a site specific amendment pursuant to Section 7 of P.L. 2013 c. 188.

Pursuant to P.L. 2011, c. 203, as amended by P.L. 2013, c. 188, the Department, in consultation with the applicable wastewater management planning agency, may approve the inclusion of land within a SSA notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modification. Therefore, amendments to modify a SSA may be approved if such actions are compliant with the applicable sections of the Water Quality Management Planning rule (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. However, in accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of the project has been evaluated. The proposed wastewater flow, as calculated in accordance with N.J.A.C. 7:14A-23.3 is 43,500 gallons per day (gpd). Currently, the Delaware No. 1 WPCF is permitted to discharge 80 million gallons per day (MGD) of treated wastewater to the Delaware River under NJDPES permit number NJ0026182. The average of the last twelve months of discharge monitoring data show that Delaware No. 1 WPCF has discharged an average daily flow of 55.65 MGD. The additional 0.0435 MGD of wastewater will not cause the wastewater generation potential of the expanded SSA to exceed the permitted capacity of the treatment facility.

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, version 3.1. Areas identified by the Landscape Project as being suitable habitat for threatened

and endangered species Ranks 3 (State threatened) , 4 (State endangered), and 5 (Federal endangered or threatened) are not to be included in SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (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 with N.J.A.C. 7:15-5.24(g)2, the Department determined the ESA is 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. Landscape Project has identified State Endangered timber rattlesnake habitat. A report submitted by the applicant's environmental consultant, Osprey Environmental indicates that "Based upon site inspections, areas of habitat suitable for this species were identified on the subject property. These areas included patches of upland second growth forested woodlands. However, the parcels surrounding the subject property are developed with a mixture of commercial/industrial and residential subdivisions. The developed areas do not provide suitable habitat for the snakes. Habitat would be limited within the area surrounding the subject parcel and possibly would not provide migratory pathways for the species to and from the subject property." The Department's Endangered and Nongame Species Program determine that the site is too landlocked to provide suitable snake habitat.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). A Natural Heritage database search request indicates rare plant life in the vicinity of the property and on the property; the endangered swamp-pink. The Department's Endangered and Nongame Species Program recommended applying wetland and riparian buffers to avoid the swamp-pink populations. Accordingly, and as described in further detail below, these buffers have been applied and are not included in the adopted SSA.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). In accordance with N.J.A.C. 7:15-5.24(e)2, freshwater wetlands Letter of Interpretation (LOI) #0406-02-0001.1-FWW100001 (June 26, 2012) was submitted. The LOI determines that there are freshwater wetlands and wetland buffers present on the property and these are detailed on a plan entitled "Outbound Survey, Wetland Flag Location & Topography Check, Block 2202, Lot 1 & Block 2103, Lots 1.01, 1.02, & 1.03, Berlin, NJ", prepared by B&B Hi-Tech Solutions, LLC, dated June 7, 2008, last revised April 3, 2012. The wetlands identified along with associated buffers are not included in the adopted SSA.

In accordance with N.J.A.C. 7:15-5.24(c), lands within certain coastal planning areas (Coastal Fringe, Coastal Rural, and Coastal Environmentally Sensitive Planning Areas) are not included in the SSA. The project site is not in a coastal planning area.

Pursuant to N.J.A.C. 7:15-5.24(d), special restricted areas including areas with Federal 201 grant limitations that prohibit the extension of sewers to serve development in specified areas such as wetlands and floodplains, in addition to special restricted areas of designated beaches, coastal high hazard areas, and dunes are not included in the SSA. CCMUA received a federal grant with conditions under Environmental Protection Agency (EPA) project number C-34-708-02 for District I as well as C-340524-03. Specifically, the grant condition prohibits sewer connections

from new development in wetlands and floodplains. To comply with Section 5.24(d), the applicant submitted a USEPA waiver approval letter, dated December 29, 2014, which indicates that the project will not impact wetlands or the flood hazard area, and grants a partial waiver of the grant condition for this project, as wetlands and wetland transitional areas still remain throughout the site. A sewer connection restriction remains in effect for the wetlands onsite, and any modification to the project resulting in disturbance to wetlands will require a resubmittal of the waiver request to the USEPA for a revised determination. Again, as stated above, wetlands and their associated buffers are not included in the proposed SSA. Additionally, there are no designated beaches, coastal high hazard areas, or dunes onsite.

In accordance with N.J.A.C. 7:15-5.25(h)3 the water supply need for the amendment has been evaluated. Water would be provided by Berlin Borough Water Department which holds PWSID #4050001, is allocated 94.2 MGM, and currently has a water supply surplus of 16.418 MGM. Pursuant to N.J.A.C. 5:21-5.3, Table 5.1, the daily residential water demand for a four-bedroom home is 395 gpd, therefore the total water demand for 145 four-bedroom homes is 57,275 gpd or 0.057275 MGD or 1.71825 MGM. The projected water demand of 1.71825 MGM is within the 16.418 MGM water supply surplus available from Berlin Borough Water Department. This area is within Critical Area 2, which is an area of critical water supply concern; therefore the applicant was instructed by the Department to request consent from the water department for this proposal. As established at N.J.A.C. 7:15-3.4(g)4iii, consents are required to be sent to the Department within 60 days of receipt of the request for consent by the applicant. Although the Berlin Borough Water Department received the request for consent with copy of the public notice by certified mail on March 5, 2015, they did not respond within the established timeframe, therefore the conditions of N.J.A.C. 7:15-3.4(g)4iii are satisfied.

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater management is to be evaluated. However, P.L. 2011, c. 203 as amended by P.L. 2013, c. 188, directs there be a presumption that an engineered subdivision or site plan is not required. Compliance with this standard shall be demonstrated by submission of an adopted stormwater management plan and ordinance that conform with the requirements of N.J.A.C. 7:8. The project is in compliance with this standard, as Berlin Township has adopted stormwater control ordinance #2006-14, which complies with the performance standards of the Stormwater Management Rules at N.J.A.C. 7:8. The county and local governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development.

In accordance with N.J.A.C. 7:15-5.25(h)5i, riparian zones shall be protected. 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. Kettle Run, a FW2-NT stream runs west to east on the southern-most part of this property. Flood Hazard Area Verification Approval, File No.: 0406-02-0001.1 FHA130001 has been obtained. The approved mapping entitled "Pinedge III, BK 2202, Lot 1 and BK 2103, Lots 1, 2, and 3, Situate Berlin Township, Camden County, New Jersey" prepared by Land Dimensions Engineering, dated August 2013, last revised May 5, 2014, shows wetland and flood hazard areas, and designates a 150 foot riparian protection buffer from the top of bank along both sides of Kettle Run Creek and its unnamed tributary. The riparian width is due to the Department's

determination that the critically dependent on regulated water (CDW) species are present on the site and within one linear mile downstream from the site as measured along the length of the regulated water. The waterway and its associated 150 buffer are removed from the adopted SSA.

In accordance with N.J.A.C. 7:15-5.25(h)6, proposed development disturbance is not to be located in areas with steep slopes, defined as any slope greater than 20 percent. There are no steep slopes on the subject site.

This amendment proposal was noticed in the New Jersey Bulletin on March 4, 2015 at Volume 39, Issue 5, and no comments were received during the comment period. Berlin Township Council consented to this amendment in Resolution 2015-100 on March 23, 2015.

This 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.



Colleen Kokas, Director
Office of WRM Coordination
Department of Environmental Protection

6-4-15

Date