

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

Adopted Amendment to the Tri-County Water Quality Management Plan

Public Notice

JAN 05 2016

Take notice that on _____, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), and Public Law (P.L.) 2011, c.203 as amended and supplemented by P.L. 2013, c.188, an amendment to the Tri-County Water Quality Management Plan (WQMP) was adopted by the Department of Environmental Protection (Department). This amendment, submitted by Stanley Bell on behalf of the property owner, Ruth Bell, expands the sewer service area (SSA) of the Mount Laurel Township Municipal Utilities Authority (MUA)/Hartford Road Water Pollution Control Facility to include approximately one acre of upland portions of Block 800, Lots 7.02 and 7.05 in Mount Laurel Township, Burlington County. The property owner plans to develop two four-bedroom single family homes within the SSA. This amendment updates the Mount Laurel Township MUA Wastewater Management Plan, the Burlington County Future Wastewater Service Area map, and the Tri-County WQMP.

This amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and P.L. 2011, c.203 as amended and supplemented by P.L. 2013, c.188. This amendment qualifies as a site specific amendment pursuant to Section 7 of P.L. 2013, c.188 and is in compliance with the regulatory criteria established at N.J.A.C. 7:15-5.24 and 5.25.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas (ESAs) have been assessed to determine what areas are appropriate for inclusion in the SSA. ESAs are defined based on a composite geographic information systems (GIS) analysis, 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. ESAs are required to be excluded from the SSA except as provided in accordance with N.J.A.C. 7:15-5.24(e)-(h).

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). Landscape Project version 3.1 identifies State

Endangered American Bittern and State Threatened Red-Headed Woodpecker habitat within the SSA, however pursuant to N.J.A.C. 7:15-5.24(g), SSAs may include ESAs listed above provided: the ESA is included either to allow infill development, or to remove undulations in the SSA boundary as necessary to create a linear boundary that relates to recognizable geographic features; and the Department determines that the ESAs included in the SSA 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 a species in the State. "Infill area" is defined as a lot or lots existing on July 7, 2008 situated between two lots improved as of July 7, 2008, where the total amount of wastewater to be generated by all potential new development allowed by existing zoning at the time of application between the two previously improved lots is 2,000 gallons per day (gpd) or less, as calculated in accordance with N.J.A.C. 7:14A-23.3. When calculating flow from lots zoned for single family residential development that would connect to a wastewater treatment facility which discharges to surface water, 300 gpd per unit shall be utilized. The two single family homes proposed for development on Lots 7.02 and 7.05 meet the definition of infill area, and would generate a total projected wastewater flow of 600 gpd as calculated in accordance with N.J.A.C. 7:14A-23.3. Additionally, the Department has determined that the inclusion of the one acre of upland area in SSA, to include the proposed development, will not negatively impact habitat critical to the survival or recovery of the American Bittern or the Red-Headed Woodpecker in the State. As a result of this finding, the Department determined that the requirement at N.J.A.C. 7:15-5.24(g) has been satisfied.

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). Review of the project site has determined that no Natural Heritage Priority Sites exist on site.

In accordance with N.J.A.C. 7:15-5.24(b)3, Category One (C1) special water resource protection areas are not to be included in the SSA, except as provided under N.J.A.C. 7:15-5.24(e)-(h). The project site does not contain C1 special water resource protection areas.

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, a Letter of Interpretation, L.O.I. # 0324-03-0015.1 dated April 19, 2004 verified the presence and extent of the regulated wetlands and associated 50 foot transitional buffers, and these areas are not included in the 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 to be included in the SSA. The project site is not in a coastal planning area.

In accordance with N.J.A.C. 7:15-5.24(d), the Department evaluated this project for the presence of 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, specifically designated beaches, coastal high hazard areas, and dunes. The project site is not within any special restricted areas.

In accordance with P.L. 2011, c.203, as amended and supplemented 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. Wastewater treatment capacity has not been evaluated.

In accordance with N.J.A.C. 7:15-5.25(h)3, the water supply need for the proposed project has been evaluated. Water supply would be provided by the Mount Laurel Township Water Department which holds PWSID #0324001 and currently has a water supply surplus of 51.233 million gallons per month (MGM) or 1.7 million gallons per day (MGD). Pursuant to N.J.A.C. 5.21-5.3, Table 1, the daily residential water demand for a four-bedroom home is 395 gpd; therefore the total water demand for two four-bedroom homes is 790 gpd, which is well within the available water supply surplus.

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater impact is to be evaluated. However, P.L. 2011, c. 203 as amended by P.L. 2013, c. 188, directs that 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 Mount Laurel Township has adopted stormwater control ordinance #2006-04, as approved by Burlington County, 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 the proposed development. Consequently, the requirements of N.J.A.C. 7:15-5.25(h)4 for stormwater control have been satisfied.

In accordance with N.J.A.C. 7:15-5.25(h)5i, disturbance within riparian zones should be avoided. 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. There are no riparian zones on the project site.

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 project site.

This amendment was noticed in the DEP Bulletin on October 7, 2015 at Volume 39, Issue 19 and no comments were received during the comment period. Mount Laurel Township formally consented to this amendment in Resolution #15-R-147 and Mount Laurel MUA formally consented to this amendment in Resolution #2015-10-112.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. These issues 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; development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules. Approval 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 this project/activity.

Sewer service to any particular project is subject to contractual arrangements between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.



Daniel Kennedy, Assistant Commissioner
Water Resource Management
Department of Environmental Protection

1/5/16

Date