

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

Adopted Amendment to the Tri-County Water Quality Management Plan

Public Notice

Take notice that on ~~JAN 11 2016~~, 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 the Burlington County Department of Resource Conservation on behalf of the Burlington County Board of Chosen Freeholders, reduces the sewer service area (SSA) of the Willingboro Municipal Utilities Authority (MUA) Water Pollution Control Facility (WPCF) by approximately 0.18 acres. The reduction of SSA is caused by removing the currently adopted SSA on Block 13, Lot 2.01, in Willingboro Township, Burlington County, and moving it to different location on the same parcel, which is adjacent to existing sewer infrastructure. Burlington County was recently awarded a State Green Acres park development grant to develop "Willingboro Lakes Park", which will include visitor restroom facilities. The County has anticipated that the SSA will include the future restroom facilities for park visitors. This amendment updates the Willingboro 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 proposed 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 Bald Eagle habitat on site, however the Department has determined, based on the most recent available data and field knowledge of the site by the Department's Bald Eagle experts, that even though the expanded SSA falls within the Bald Eagle nest buffer, due to intervening development this

portion of the nest buffer is not considered to be suitable habitat. As a result of this finding, the Department has determined that the requirement at N.J.A.C. 7:15-5.24(e) 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, special water resource protection areas along Category One waters and their tributaries established under the Stormwater Management rules, N.J.A.C. 7:8 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). The project site contains small isolated wetlands which are not subject to N.J.A.C. 7:15-5.24(b)4, however, these wetlands are not included in the SSA. As a result of this finding, the Department has determined that the requirement at N.J.A.C. 7:15-5.24(b) has been satisfied.

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 at 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. This project would not add additional planned wastewater flow to the Willingboro MUA WPCF as the previously adopted SSA is being removed from one portion of the parcel and proposed in a different location within the same parcel, which is a more suitable location.

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 for the proposed development will be provided by the Willingboro MUA which holds PWSID No. 0338001, is allocated 310 million gallons per month (MGM), and has a water supply surplus of 99.55 MGM. As the SSA is being moved from one portion of the parcel to another, and the proposed use of the SSA not changing, the need for water is not increasing. There is sufficient water supply available.

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 that there is 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 Willingboro Township has adopted stormwater control ordinance #2007-05, 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. 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 equal to or greater than 20 percent. There are no steep slopes on the subject site.

This amendment was noticed in the DEP Bulletin on November 4, 2015 at Volume 39, Issue 21 as well in the Burlington County Times, and no comments were received during the public comment period. The Burlington County Board of Chosen Freeholders submitted consenting resolution #2015-00683 in support of the amendment.

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.



Colleen Kokas, Director
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Department of Environmental Protection

1-11-16

Date