

**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 12 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 (P.I. No. 435433, Activity No. ADM150007), submitted by Leah Fury Bruder on behalf of the TOFAMO Land Corporation, expands the sewer service area (SSA) of the Medford Township Wastewater Treatment Plant by approximately 44 acres on Block 403, Lots 2 and 7 in Medford Township, Burlington County. This amendment is named "TOFAMO Medford" and updates the Medford Township Wastewater Management Plan, the Burlington County Future Wastewater Service Area (FWSA) 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 as modified by P.L. 2011, c.203 as amended and supplemented by P.L. 2013, c.188. This proposal qualifies as a site specific amendment pursuant to Section 6 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). The project site does not contain threatened and/or endangered species 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). 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 subject parcels were included in a previously adopted SSA, however, the Burlington County FWSA map removed the parcels due to the identification of wetlands using Department Wetlands mapping. In accordance with N.J.A.C. 7:15-5.24(e)2, a Letter of Interpretation, L.O.I. # 0320-09-0002.1 dated August 6, 2009 verified the presence and extent of the regulated wetlands, and those wetland areas which are subject to N.J.A.C. 7:15-5.24 are not included in the SSA. Small, isolated wetlands less than 25 acres and not contiguous to other ESAs are included in the SSA on this site. As a result of this finding, the Department determined that the requirements at N.J.A.C. 7:15-5.24(b) and (g) have been satisfied.

In accordance with N.J.A.C. 7:15-5.24(c)1-3, 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. The applicant has projected two build-out scenarios: if the expanded SSA is to be fully developed with retail and/or office uses, using the current zoning, Highway Management Commercial, the maximum projected wastewater flow, as calculated in accordance with N.J.A.C. 7:14A-23.3 will be 36,000 gallons per day (gpd); TOFAMO intends to work with Medford Township to establish new zoning to permit mixed-use and/or inclusionary residential development on the property. In accordance with N.J.A.C. 7:14A-23.3, the maximum flow for the anticipated development of 95 single family homes within the expanded SSA would yield 28,500 gpd.

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 would be provided by the Medford Township Municipal Utilities Authority which holds PWSID No. 320001, is allocated 115.6 million gallons per month (MGM), and has a water supply surplus of 13.646 MGM. Future development would not require modification of the existing water allocation permit as 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 impact 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 Medford Township has adopted stormwater control ordinance #2010-31, 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. A 50-foot buffer has been applied to Sharps Run identified onsite, and this riparian zone has been removed from the SSA. Consequently, the requirements of N.J.A.C. 7:15-5.25(h)5 have been satisfied.

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 project site.

This amendment was noticed in the DEP Bulletin on November 4, 2015 at Volume 39, Issue 21 as well as in the Burlington County Times, and no comments were received during the public comment period.

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
Office of WRM Coordination
Department of Environmental Protection

1-12-16

Date