

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

Adopted Amendments to the Tri-County Water Quality Management Plan

Public Notice

Take notice that on **JAN 15 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, amendments to the Tri-County Water Quality Management Plan (WQMP) were adopted by the Department of Environmental Protection (Department). These amendments, entitled "Elk Township" (Program Interest No. 435433, Activity No. AMD150005), submitted by Churchill Consulting Engineers on behalf of the Gloucester County Planning Board, adopt the following: Expansion of the Gloucester County Utilities Authority (GCUA) Wastewater Treatment Plant (WTP) sewer service area (SSA) to include Future Wastewater Service Area (FWSA) identified on the Gloucester County Non-Consolidated District FWSA map of Elk Township; to expand the GCUA WTP SSA to include new SSA from the Non-Consolidated District; and to increase the GCUA WTP SSA in the Consolidated District. All changes to the GCUA STP SSA are located in Elk Township, Gloucester County. These amendments modify the Elk Township Wastewater Management Plan (WMP), the GCUA Consolidated District WMP, the Gloucester County Non-Consolidated District FWSA map, as well as the Tri-County WQMP.

Non-Consolidated District FWSA to be transferred to the GCUA WTP SSA includes the following:

- The Aura Elementary School, located on Block 33, Lots 12.01, 18, and 19, currently holds NJPDES DGW Permit number NJ0075990. The school received Treatment Works Approval #01-0307 which allowed connection to GCUA WTP, and although it has not yet connected to the GCUA WTP, the school plans to do so in the future. Therefore, the GCUA WTP SSA is expanded by 13 acres to include these parcels.

- The Carpenter House, located on Block 67, Lot 3, currently holds NJDPES DGW Permit number NJ0105201, however plans to connect to GCUA WTP in the future. The GCUA WTP SSA is expanded by 1.8 acres to include the Carpenter House.
- Silvergate Development, Phase 2, includes proposed residential development on Block 68, Lots 7.01 and 7.02; and Block 63, Lot 2.02 and expands GCUA WTP SSA by 97 acres.
- Silvergate Development, Phase 4, includes proposed residential development on Block 62, Lot 3.01 and expands GCUA WTP SSA by 35 acres.
- Silvergate Development, Phases 5 and 7, includes proposed commercial development on Block 174, Lot 1; Block 52, Lot 12.02; and Block 53, Lot 1 and expands GCUA WTP SSA by 62 acres.
- Silvergate Development, Phase 6 Town Center, includes Block 170, Lots 14 and 18; and Block 171, Lot 9 that are each in the Consolidated and Non-Consolidated Districts. The portions of these lots that are in the Non-Consolidated District are proposed to be transferred to the Consolidated District and expand the GCUA WTP SSA by approximately 24 acres.
- Twenty-seven developed and two undeveloped parcels on Block 31, Lot 1; Block 34, Lots 1.03, 3, and 6 – 9; Block 54, Lots 23, 25, 26.02, 27 – 29, and 31; Block 55, Lots 6 – 12; Block 170, Lots 16, 17, and 20; and Block 172, Lots 1.01, 1.02, 1.03, 2, and 5 which expand the GCUA WTP SSA by approximately 65 acres.

New SSA from the Non-Consolidated District to expand GCUA WTP SSA:

- The addition of the remainder of Block 62, Lot 3.01 adds 8.2 acres to the GCUA WTP SSA.
- The addition of the Municipal owned property on Block 62, Lot 3.03 adds 19.7 acres to the GCUA WTP SSA.
- The addition of Block 34, Lot 1.04 adds 0.5 acres to the GCUA WTP SSA.

Expansion of GCUA WTP SSA in the Consolidated District:

- Wetlands as identified in Department mapping that are currently removed from the GCUA WTP SSA are included in the SSA in accordance with N.J.A.C. 7:15-5.24 and are

described in further detail below. The addition of Block 65, Lots 1 and 5; Block 139, Lots 1.02, 1.03 [corrected from public notice which identified this lot as "103"], 4, and 5; Block 140, Lots 3 – 8; Block 141, Lots 4.01 and 5; Block 147, Lots 1 – 3; Block 148, Lots 1 – 3, 4.01, and 4.02; Block 149, Lots 1, 3, 4, 5.01, 5.02, and 6; Block 150, Lots 1 and 2; Block 151, Lots 1 – 3; Block 155, Lots 3 – 5; Block 156, Lots 1 – 6; Block 157, Lots 2, 4.01, 4.02, and 5; Block 158, Lots 2 – 4; Block 159, Lots 3 – 5; Block 160, Lot 3; Block 165, Lot 1; Block 166, Lot 1; Block 168, Lots 1, 2, 3.02, and 3.03; Block 169, Lots 1 – 7, and 11 all add approximately 33 acres to the GCUA WTP SSA.

These amendments have 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. These amendments include multiple site specific amendments which all individually comply with Section 6 of P.L. 2013, c.188 and 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 identify 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). Block 33, Lot 12.01, which is owned by Aura Elementary School, contains

grassland bird habitat as per Landscape Project mapping, however the area is actively mowed and utilized for recreation, therefore deemed unsuitable 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. No other sites 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 sites has determined that no Natural Heritage Priority Sites exist on any sites.

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along C1 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 sites do 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. # 0804-03-0003.5 verified the presence and extent of the regulated wetlands on Block 68, Lot 7.02, which is part of Silvergate Development Phase 2. The SSA on this parcel excludes wetland areas as delineated in the L.O.I. L.O.I # 0804-03-0003.2 was provided verifying the presence and extent of the regulated wetlands on Block 170, Lots 14 and 18, which are part of Silvergate Development Phase 6 Town Center. The SSA on these parcels excludes the wetlands as delineated in the L.O.I that are contiguous with the Still Run tributary. Wetlands identified in Department mapping that are currently removed from the GCUA WTP SSA are proposed to be re-included in the SSA in accordance with N.J.A.C. 7:15-5.24, as these isolated wetlands are less than 25 acres and not contiguous to any other ESAs. This change adds SSA to Block 65, Lots 1 and 5; Block 139, Lots 1.02, 1.03 [corrected from public notice which identified this lot as “103”], 4, and 5; Block 140, Lots 3 – 8; Block 141, Lots 4.01 and 5; Block 147, Lots 1 – 3; Block 148, Lots 1 – 3, 4.01, and 4.02; Block 149, Lots 1, 3, 4, 5.01, 5.02, and 6; Block 150, Lots 1 and 2; Block 151, Lots 1 – 3; Block 155, Lots 3 – 5; Block 156, Lots 1 – 6; Block 157, Lots 2,

4.01, 4.02, and 5; Block 158, Lots 2 – 4; Block 159, Lots 3 – 5; Block 160, Lot 3; Block 165, Lot 1; Block 166, Lot 1; Block 168, Lots 1, 2, 3.02, and 3.03; and Block 169, Lots 1 – 7, and 11.

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 sites are not within any coastal planning areas.

In accordance with N.J.A.C. 7:15-5.24(d)1-4, 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 sites are 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 rules at 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 Department evaluated the water supply availability for the proposed projects. Water supply for the proposed developments would be provided by individual private wells from the Kirkwood-Cohansey Aquifer System, which is currently in a water supply deficit. While Elk Township was not required to rezone, specific projects will be addressed on an individual basis when a permit is requested from the Department. Other strategies for addressing deficit areas are listed in N.J.A.C. 7:15-5.25(f), and include: obtaining additional water supply through reuse, obtaining water from a source with available capacity, adopting water conservation ordinances to reduce demand to match available

supply or reducing the amount of water demand by reducing the amount or altering the type of planned future development.

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 and supplemented 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 projects are in compliance with this standard, as Elk Township has adopted stormwater control ordinance #0-5-2006, 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 developments. Consequently, the requirements of N.J.A.C. 7:15-5.25(h)4ii 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. In the public notice regarding these amendments, the Department did not identify and remove from SSA the riparian zone buffers on two parcels. To satisfy the requirements of N.J.A.C. 7:15-5.25(h)5i, the Still Run Tributary, a FW2-NT stream and its associated 50 foot buffer has been removed from the SSA on Block 68, Lot 7.02 and Block 170, Lot 18 upon adoption of these amendments. Consequently, the requirements established at N.J.A.C. 7:15-5.25(h)5 have now 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 sites.

These amendments were noticed in the DEP Bulletin on November 4, 2015 at Volume 39, Issue 21 as well in the South Jersey Times and no timely comments were received during the public comment period. The following entities submitted consenting resolutions in support of these amendments: Elk Township submitted consenting resolution #R-111-2015; the GCUA submitted consenting resolution #2016-006; and the Gloucester County Board of Chosen Freeholders submitted consenting resolution #49554.

These amendments represent 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 these amendments 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 these amendments.



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1-15-16

Date

