

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE UPPER DELAWARE WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that on October 19, 2007, 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 Upper Delaware Water Quality Management Plan was adopted by the Department of Environmental Protection (Department).

This amendment allows for the construction of a 45,235 gallon per day (GPD) Ground Water Disposal Facility for the Meadows at Mansfield, a 226 unit adult residential community with a 6,000 square foot clubhouse located on Block 15.01, Lot 9.01 in Mansfield Township. The lot is bordered by Route 57 to the south and the NYK Logistics and Megacarrier facility to the west.

This amendment also expands the future Sewer Service Area (SSA) of the Hackettstown Municipal Utilities Authority (HMUA) within Mansfield Township to include all lots which are both east of Airport Road and south of the Conrail rail line right of way. Please note, the preliminary notice for this amendment had incorrectly used Rockport Road, which is slightly further north than the rail line, to delineate the northern extent of the HMUA future sewer service area.

The HMUA is permitted under NJPDES Permit NJ0021369 for 3.3 million gallons per day (MGD). The projected flow from the proposed HMUA SSA within Mansfield Township is 0.391 MGD. Please note, the preliminary notice for this amendment had incorrectly calculated the projected flow from the proposed HMUA SSA within Mansfield Township as 0.342 MGD. The revised figure of 0.391 MGD includes the full development of all property within the designated sewer service area. No

increase in the capacity of the HMUA is required to accommodate this expanded SSA.

In accordance with N.J.A.C. 7:15-5.11(b), wastewater management planning for the portions of Mansfield Township previously serviced by the Diamond Hill Sewage Treatment Plant (STP), which are within the Future Sewer Service Area of the HMUA, has been assumed by the HMUA. The Diamond Hill development was tied into the HMUA service area on February 16, 2005 due to repeated violations at the Diamond Hill STP. The wastewater flow from this development is already factored into the HMUA SSA for Mansfield Township. The Diamond Hill STP is now abandoned.

All portions of the Township not designated as Sewer Service Area will be designated as Service Area for Wastewater Facilities with Planning Flows of Less Than 2,000 GPD which Discharge to Ground Water.

This proposed amendment has been reviewed in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. As part of this process, the applicant has performed a Nonpoint Source Pollutant Loading Analysis, Consumptive Water Use Analysis, Groundwater Quality Analysis, Riparian Corridor Analysis, Endangered and Threatened Species Analysis, and Environmental Constraint Analysis. Nonpoint Source Pollutant Loading has been addressed through the adoption of a Municipal Stormwater Ordinance in accordance with N.J.A.C 7:8. The Consumptive Water Use Analysis indicates that sufficient water supply is available within existing water allocation to serve Mansfield Township. The majority of Mansfield Township is served by individual on-site wells. Minor portions of Mansfield Township are served by the New Jersey American Water Company, including the proposed Meadows at Mansfield, and the Hackettstown Municipal Utilities Authority sewer service area whose needs will be met within existing approved water allocations. The results of the Recharge-Based Nitrate-Dilution Model for New Jersey, which was utilized to address the Ground Water Quality Analysis, indicate that the minimum required lot size to maintain ground water quality is between 1.5 and 1.9 acres. Current zoning for the majority of areas in the Township intended to remain on individual subsurface

sewage disposal systems (ISSDS) (Discharge to Ground Water [DGW] less than 2,000 GPD) meet or exceed this minimum lot size requirement; however, two small areas of the Township zoned as R-2 and B-1 do not meet the minimum required lot size standard established by the Ground Water Quality Analysis. In order to address these areas and ensure the protection of ground water quality, Mansfield Township has adopted a Municipal Septic Management Ordinance. The Riparian Corridor Analysis has been addressed through the adoption of a Municipal Riparian Corridor Ordinance. The Endangered and Threatened Species Analysis utilized the Department's Landscape Project Mapping to identify and remove all areas classified as Threatened and Endangered Species habitat Rank 3, 4, or 5 from Proposed Future Sewer Service Areas. A site specific Habitat Assessment was submitted for the proposed Meadows at Mansfield which indicated that there are no records of threatened or endangered species using the portions of the site proposed for development. The Environmental Constraints Analysis was utilized in the creation of the Township's build out projections and future flow projections for wastewater treatment facilities included in this WMP to confirm the availability of sufficient capacity.

This amendment proposal was noticed in the New Jersey Register on November 6, 2006 at 38 N.J.R. 4759 (b) and no comments were received during the comment period.

As required by the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38, the Department shall not approve a Water Quality Management Plan amendment for a project proposed in the Highlands Planning Area without first obtaining a recommendation from the Highlands Council (Council). The Council issued a letter to the Department on July 24, 2007 which included the following four comments on the proposed plan. The Department's response immediately follows each comment.

1. The draft Highlands Regional Master Plan (RMP) includes a policy prohibiting the expansion of wastewater collection systems into the

Protection Zone or the Conservation Zone, except to provide for compact development in an Agricultural Resource Area to be served by existing or proposed wastewater collection systems only where such development is within or immediately adjacent to an existing serviced area and adequately protects farmland and sensitive environmental resources through the dedication of at least 80 percent of the site to farmland and open space preservation. The proposed expansion of the HMUA service area includes farmlands within the Agricultural Resource Area adjacent to existing service areas; however, there is no mechanism to assure compliance with the previously described farmland preservation requirement.

The Department strongly encourages municipalities to conform to the Highlands RMP. However, at the present time the Highlands RMP is in draft form. The Department held several discussions with Mansfield Township regarding this recommendation. Mansfield has indicated that its ordinances already include a cluster option that would provide for preservation of 70 percent of the land area in the HMUA sewer service area as open space. The Department encouraged Mansfield Township to make the cluster option mandatory as a prerequisite for sewer service; however, the Township declined. The Department has no basis under the Water Quality Management Planning Rules or EO 109 to deny this application.

2. Environmentally sensitive lands were identified along Hances Brook, Trout Brook, and the Musconetcong River, the development of which would be inconsistent with the draft RMP. It is recommended that the NJDEP exclude the undeveloped stream corridor areas associated with Hances Brook, Trout Brook, and the Musconetcong River from within the HMUA sewer service area.

These stream corridors have been protected through the adoption of a municipal Riparian Corridor Ordinance which has been required in conjunction with the WMP adoption.

3. The facilities mapping for Bartons West End Farms Inc. includes the identification of a parcel that does not appear to support the waste generating uses identified in the proposed WMP.

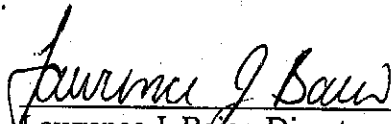
This inconsistency appears to have resulted from a database error. The WMP has been corrected prior to final adoption to accurately reflect the location of the facility.

4. It is recommended that the NJDEP amend the designated sewer service areas in the Preservation Area to only those areas with existing uses served by wastewater collection systems. Rather than actual mapping, this may be done through the inclusion of a note on Map 3- "Future Wastewater Facilities & Service Areas" specifying that:

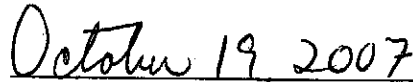
"In accordance with Section 42 of the Highlands Act, designated sewer service areas within the Highlands Preservation Area for which wastewater collection systems have not been installed as of August 10, 2004 are revoked and any associated treatment works approvals in the impacted areas shall expire unless necessary to serve development in the Preservation Area that is exempt from the provisions of the Highlands Act. The mapped service areas do not specifically correlate to those systems that were installed as of August 10, 2004 and thus any expansion of these systems shall require approval by NJDEP"

Map 3- "Future Wastewater Facilities & Service Areas" has been revised to include the requested note prior to final adoption.

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.



Lawrence J. Bauer, Director
Division of Watershed Management
Department of Environmental Protection



Date