

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE PLANNING

ADOPTED AMENDMENT TO THE UPPER DELAWARE WATER QUALITY  
MANAGEMENT PLAN

Public Notice

**Take notice** that on, **FEB - 7 2012** pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, an amendment to the Upper Delaware Water Quality Management (WQM) Plan was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of the Lambertville Municipal Utilities Authority (LMUA), adopts a LMUA Wastewater Management Plan (WMP) and modifies the existing LMUA's Sewage Treatment Plant (STP) sewer service area. The LMUA currently serves the City of Lambertville and Borough of Stockton, Hunterdon County, and portions of Bucks County, Pennsylvania. Pursuant to N.J.A.C. 7:15-5.6 of the WQM Planning rules in effect at the time that this amendment was submitted to the Department, the LMUA had wastewater management planning responsibility for the entire area within the municipal boundaries of the City of Lambertville, Borough of Stockton, and portions of Bucks County, Pennsylvania. This proposed amendment only modifies the wastewater management planning provisions of the City of Lambertville and Borough of Stockton.

Currently, the LMUA STP (#NJ0020915) has a permitted capacity of 1.5 million gallons per day (MGD) and discharges to the Delaware River, a designated Delaware River Basin Commission-Zone-1E waterway as classified by the

Delaware River Basin Commission, a classification incorporated under the Surface Water Quality Standards, N.J.A.C. 7:9B.

Based on the availability of more accurate parcel mapping and digital technology, this WMP re-delineates portions of the sewer service area to accurately identify the areas currently served by the LMUA STP and revises the sewer service area to more accurately reflect the parcels proposed for connection to the sewer system. In addition, in accordance with N.J.A.C. 7:15 the adopted LMUA WMP reduces the previously approved sewer service area to eliminate environmentally sensitive areas that are not currently connected to the sewer system.

**This amendment** was reviewed in accordance with Executive Order 109 (2000) (EO-109) and N.J.A.C. 7:15-5.18. An environmental constraints/build-out (build-out) analysis was completed to identify future projected flow from the proposed service area to ensure that there will be sufficient capacity at the LMUA STP to accommodate future need. This build-out analysis was conducted for all parcels within the existing and proposed sewer service areas within the City of Lambertville and the Borough of Stockton. The existing wastewater flow received at the LMUA STP, for the entire LMUA service area, was calculated as the total combined metered flow for the year 2009 expressed as the annual average of the monthly average flow in MGD. The projected wastewater flow was calculated in accordance with N.J.A.C. 7:14A-23.3 based upon the current municipal zoning and included potential development of all remaining parcels of vacant land, underdeveloped residential and commercial property and any existing parcels currently served by individual subsurface sewage disposal systems that are located within the proposed sewer service area.

For purposes of projecting wastewater flow, environmentally constrained areas were excluded from the sewer service area. The environmentally constrained areas excluded in projecting wastewater flow from the proposed sewer service areas included wetlands, open space, and documented flood prone areas or protected riparian corridor areas where development would be limited. The existing wastewater flow and calculated projected wastewater flow were combined to determine the total projected wastewater flow from the LMUA STP service area. The total projected wastewater flow for both the City of Lambertville and Borough of Stockton is 0.591 MGD. In addition to the total projected flow from the service area within Borough of Stockton and the City of Lambertville, LMUA has a contractual agreement with Bucks County Sewer and Water Authority for a maximum flow allocation of 0.625 Million Gallon Per Day (MGD). As a result, the combined total projected wastewater flow was determined to be 1.216 MGD for the entire LMUA STP service area, less than the LMUA STP permitted flow of 1.5 MGD.

In order to satisfy the Riparian Corridor Analysis, the City of Lambertville adopted Ordinance No. 2006-09 and the Borough of Stockton adopted Ordinance No. 13-08 to ensure the protection of the riparian corridors along all perennial and intermittent streams and lakes within the municipalities. As required, the adopted ordinances establish and protect a Riparian Buffer Conservation Zone (RBCZ) of required width on both sides of a stream measured from the top of bank of an intermittent or perennial stream, or centerline if the bank is not defined, and from the defined edge of a lake, pond or reservoir at bank-full flow or level. The width of the RBCZ is to be based on the surface water body's classification designated at N.J.A.C. 7:9B. For water bodies designated as Category 2 (C2), the RBCZ is a minimum of 75 feet. The RBCZ for C2 Trout Production (FW2-TP) waters is extended to 150 feet. For Category 1 waters, the RBCZ is 300 feet.

To satisfy the Nonpoint Source Pollutant Loading/Hydromodification Analysis, an ordinance ensuring compliance with the performance standards of the Stormwater Management rules, N.J.A.C. 7:8, was necessary. To comply with this requirement, the City of Lambertville adopted Stormwater Management Ordinance 2006-09 and the Borough of Stockton adopted Ordinance No. 17-06. As required, the ordinances indicate that the performance standards must be met through the use of non-structural measures, where possible. If non-structural measures alone are insufficient to meet the performance standards, then the proposed project must supplement with structural best management practices (BMPs), as necessary.

The Endangered or Threatened Species Habitat Analysis was performed utilizing the Department's Division of Fish and Wildlife, Endangered and Non-Game Species Program "Landscape Project version 2.1." The Landscape Project identifies areas of critical habitat that support or potentially support Federal and State endangered or threatened species and other species of concern. Endangered and Threatened Species habitats reviewed under this analysis are Rank 5 (Federal endangered and/or threatened species), Rank 4 (State endangered species), or Rank 3 (State threatened species). This analysis determined that no areas proposed for sewer service area are designated as endangered and/or threatened species habitat Landscape Project Ranked 3, 4 or 5. Accordingly, the Analysis has been met.

The LMUA WMP planning area includes the entire area within the municipal boundaries of the City of Lambertville and Borough of Stockton. Not all areas within the WMP planning area are designated as either existing or future sewer service areas. Locations excluded from the sewer service areas are designated as

“Restricted Septic Service Area (Planning flows of 2,000 gallons per day (gpd) or Less And Less Than 6 Residential Units)”. The Department has performed a regional nitrate analysis calculating septic density for all the HUC 11s throughout the state. For the two HUC 11s in the WMP area the nitrate analysis yielded a minimum average of 6 acres per unit being necessary to meet the nitrate planning standard of two mg/l. The current zoning results in an average number of acres per unit less than the 6 acre minimum, resulting in a nitrate loading concentration higher than that required by the planning standard. Accordingly, locations excluded from the sewer service areas are designated as “Restricted Septic Service Area (Planning flows of 2,000 gallons per day (gpd) or Less And Less Than 6 Residential Units)”. These areas include Flood Prone Areas, Freshwater Wetlands, endangered and/or threatened species habitat Landscape Project Ranked 3, 4 or 5, and Open Space.

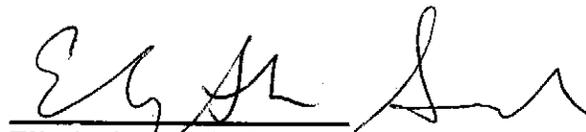
Any proposed subdivision resulting in six or more dwelling units or any development with a wastewater design flow in excess of 2,000 gpd to be served by subsurface disposal systems within the City of Lambertville or Borough of Stockton will be considered inconsistent with the WQM Plan. A WQM Plan amendment shall be required and the project must demonstrate compliance with the nitrate planning standard of two mg/l, in accordance with N.J.A.C. 7:15-5.25(h)2 using the Department’s Recharge Based Nitrate Dilution Model.

The Water Use Analysis indicated that the United Water of Lambertville serves both the Borough of Stockton and the City of Lambertville via an existing water allocation permit (#5211) for diversion of 30.4 million gallons per month from Swan Creek Reservoir System. The analysis concluded that the existing water

supply is sufficient to serve future build-out as projected in this WMP. Thus, the Water Use Analysis has been satisfied.

This amendment proposal was noticed in the New Jersey Register on October 17, 2011 at 43 N.J.R. 2675(a) and no comments were received during the comment period.

Approval of this amendment would 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.



Elizabeth Semple, Manager  
Office of Land Use Planning  
Department of Environmental Protection

2/7/12

Date