

PUBLIC NOTICE

**ENVIRONMENTAL PROTECTION
COASTAL AND LAND USE PLANNING**

Adopted Amendment to the Upper Delaware Water Quality Management

Public Notice

Take notice that on ~~NOV 20 2012~~ 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 (WQM) Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Upper Delaware WQM Plan was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of the Townships of Blairstown, Hardwick, and Hope, as the responsible Wastewater Management Planning Agencies, with the Township of Blairstown acting as the lead applicant, adopts a future wastewater service area map for the Townships of Blairstown, Hardwick and Hope. This map has been prepared pursuant to P.L. 2011, c. 203, enacted on January 17, 2012, which permits the Wastewater Management Planning Agency to prepare and submit to the Department at least that portion of a wastewater management plan (WMP) designating sewer service area (SSA), which shall comply with the Department's regulatory criteria. This map, titled "MAP 3 Future Wastewater Facilities & Service Areas" (FWSA map), supersedes all wastewater service area mapping currently contained in the WQM Plan for Blairstown, Hardwick, and Hope, including that which was adopted into the WQM Plan as part of approved WMPs. The map identifies areas to be served by sewage treatment facilities/sewer systems as well as areas to be served by septic systems with design flows of equal to or less than 2,000 gallons per day. The map modifies the previously approved SSAs to eliminate environmentally sensitive areas (ESAs) that are not currently connected to sewer systems. This amendment only modifies the wastewater service area mapping portions of the above referenced WQM Plans.

Pursuant to P.L. 2011, c. 203, the Department, in consultation with the applicable Wastewater Management Planning Agencies, 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 update a SSA may be approved if such actions are compliant with the applicable sections of the Water Quality Management Planning rules (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. Additional issues which may need to be addressed for any new or expanded wastewater treatment facility proposal include, but are not limited to, compliance with stormwater regulations, antidegradation, effluent limitations, water quality analysis, and exact locations and designs of future treatment works. Additionally, sewer service ~~to any particular project is subject to contractual allocations between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.~~

In accordance with N.J.A.C. 7:15-5, ESAs have been assessed to determine what areas are appropriately included in the adopted SSAs. Pursuant to N.J.A.C. 7:15-5.24, ESAs are defined 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. These ESAs are not included in the adopted SSA except as noted below.

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, versions 2.1. Except as provided under N.J.A.C. 7:15-5.24(e) through (h), areas identified by the Landscape Project as being suitable habitat for threatened and endangered species are not included in the adopted SSAs unless a site has undergone a site specific Habitat Suitability Determination, prepared in accordance with N.J.A.C. 7:15-5.26, that found the site to be not suitable habitat, or the Department determined, pursuant to N.J.A.C. 7:15-5.24(g)2, that the ESAs are not critical to a population of endangered or threatened species, the loss of which would decrease the likelihood of the survival or recovery of the identified species.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not included in the proposed SSA, except as provided under N.J.A.C. 7:15-5.24(e) through (h).

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 are not included in the adopted SSAs, except as provided under N.J.A.C. 7:15-5.24(e) through (h). The required buffer width is applied to 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. C1 waters, their tributaries and all Highlands open waters, are afforded a 300-foot buffer. In addition, as required under N.J.A.C. 7:15-5.20(b)3, the proposed FWSA map

text indicates that development in riparian zones, or designated river areas, may be subject to special regulation under Federal or State statutes or rules. 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 Highlands Water Protection and Planning Act rules, the Stormwater Management rules, and the Water Quality Management Planning rules. Most development within these riparian zones is limited by these regulatory programs.

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 included in the adopted SSA, except as provided under N.J.A.C. 7:15-5.24(e) through (h).

In accordance with N.J.A.C. 7:15-5.24(d), areas with Federal 201 grant limitations that prohibit the extension of sewers to serve development in these areas are excluded from the proposed SSA either where local mapped information exists delineating these areas, or through a narrative description where mapping does not exist. Where a narrative approach has been used, it is noted as text on the adopted FWSA map. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) which provide for restriction of sewer service to ESAs, are unaffected by adoption of this document and compliance is required.

As provided under N.J.A.C. 7:15-5.24(e) through (h), limited ESAs have been included in SSAs. Where applicable, Department Permits or Jurisdictional Determinations have been utilized to determine the extent of the SSA on individual lots.

In accordance with N.J.A.C. 7:15-3.10, the Highlands Council was provided an opportunity to review the proposed amendment within the Highlands Region for consistency with the adopted Regional Master Plan (RMP).). In correspondence dated October 15, 2012 and submitted to the Department, the Council informed the townships wastewater consultant that the adopted FWSA map is consistent with the RMP.

~~This final notice represents the Department's determination that the FWSA map for Blirstown, Hardwick, and Hope is in compliance with the regulatory criteria for identifying SSAs pursuant to N.J.A.C. 7:15-5.24 and 5.25. In accordance with P.L. 2011, c. 203, the Department is now accepting site specific amendment and revision applications for the townships of Blirstown, Hardwick and Hope. Information regarding application for these amendments and revisions can be found at <http://www.nj.gov/dep/wqmp/applications.html>.~~

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 any project/activity. Approval of this amendment does not provide any implied approval for any other aspects of any project or needed permits and approvals.

Notice of the proposal of this amendment was published in the New Jersey Register on September 4, 2012 at 44 N.J.R. 2211(a), and no comments were received during the 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. 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.



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Department of Environmental Protection

11/20/12

Date
