



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Coastal & Land Use Planning

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

Eugene Weber
Finelli Consulting Engineers, Inc.
205 Route 31 North
Washington, NJ 07882

MAY 7, 2013

Re: Harmony Township Future Wastewater Service Area (FWSA) Map
Harmony Township, Warren County
Harmony Township Wastewater Management Plan (WMP)
Upper Delaware Water Quality Management Plan (WQMP)
Program Interest No.: 435437
Activity No.: WMP120012
Adopted Amendment

Dear Mr. Weber:

A plan amendment proposal was submitted on behalf of Harmony Township, as the responsible Wastewater Management Planning Agency, to the Department of Environmental Protection (Department) amending the Harmony Township WMP. The amendment was prepared in accordance with 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), and P.L. 2011, c.203. This amendment adopts a Future Wastewater Service Area (FWSA) map for Harmony Township. I am pleased to inform you that this amendment is now formally adopted as of the date of this letter. Final notice of this adoption will be placed in the New Jersey Register.

The adopted amendment was submitted to the Department 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. The adopted map, titled "Future Wastewater Service Area Map", supersedes all wastewater service area mapping for Harmony Township, Warren County. This amendment proposal was published in the New Jersey Register at 45 N.J.R. 380(c) 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.

If you wish to dispute the Department's factual findings or any of its conditions or if anyone is aggrieved by this determination, an adjudicatory hearing may be requested. A request for an adjudicatory hearing shall be submitted in writing by certified mail, or by other means which provides verification of the date of delivery to the Department, within 30 calendar days of notice of this decision made pursuant to N.J.A.C. 7:15-3.1 or 3.2, 3.4(g)2i or ii or 3.4(g)8ii through iv. The adjudicatory hearing request must include the information identified at N.J.A.C. 7:15-3.9. The hearing request must be submitted to the Department addressed to Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, PO Box 402, Mail Code 401-04L, 401 East State Street, Trenton, NJ 98625-0402. A copy of the request shall be submitted to Division of Land Use Planning at the address contained in the letterhead above.

Please place the program interest number and the activity number found above at the top of all written correspondence submitted to the Department. If you have any questions on this matter, please contact the Division of Coastal and Land Use Planning at (609) 984-6888.

Sincerely,



Elizabeth Semple, Manager
Division of Coastal Land Use Planning

Enclosures

C: Kelley D. Smith, Harmony Township Clerk
Casey Ezyske, NJ Highlands Council
NJDEP, DWQ, BNPC
NJDEP, DWQ, BMFCP
Deborah Bechtel, NJDEP, DCLUP
David Dumont, NJDEP, DCLUP
~~Meghan Gosselink, NJDEP, DCLUP~~
Division of Coastal and Land Use Planning - File

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

DIVISION OF COASTAL AND LAND USE PLANNING

Adopted Amendment to the Upper Delaware Water Quality Management Plan

Public Notice

Take notice that on **MAY - 7 2013**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Water Quality Management Planning rules, N.J.A.C. 7:15, and P.L. 2011, c. 203, the Department of Environmental Protection (Department) adopted an amendment to the Upper Delaware Water Quality Management (WQM) Plan. This amendment, submitted on behalf of Harmony Township, as the responsible Wastewater Management Planning Agency, adopts a Future Wastewater Service Area (FWSA) map for Harmony Township. This amendment proposal was published on February 19, 2013, in the New Jersey Register at 45 N.J.R. 380(c); and no comments were received during the comment period.

The adopted amendment was submitted to the Department 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. The adopted map, titled "Future Wastewater Service Area Map," will supersede all wastewater service area mapping for Harmony Township, Warren County.

The adopted FWSA 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 exclude environmentally sensitive areas that are not currently connected to sewer systems. Additionally, the map removes areas from sewer service based on local planning initiatives, and also includes areas previously excluded from SSA based on local planning objectives.

This amendment only modifies the wastewater service area mapping portions of the above referenced WQM Plan.

Pursuant to P.L. 2011, c. 203, 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 modifications. 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. Finally, P.L. 2011, c. 203, expires on January 17, 2014, and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and implementing regulations require that full WMP updates be completed pursuant to the requirements set forth in N.J.A.C. 7:15.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas have been assessed to determine what areas must be excluded in the adopted SSAs. Pursuant to N.J.A.C. 7:15-5.24, environmentally sensitive areas are described as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered wildlife species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One special water resource protection areas, and wetlands, alone or in combination.

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine areas designated as threatened or endangered wildlife 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 (Landscape Project). Areas identified by the Landscape Project as being

suitable habitat for threatened and endangered species 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(b)2, areas mapped as Natural Heritage Priority Sites 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(b)3, areas identified as special water resource protection areas along Category One waters and their tributaries are not included in the adopted SSA, except as provided under N.J.A.C. 7:15-5.24(e) through (h). Pursuant to N.J.A.C. 7:8-5.5(h), a 300-foot buffer 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. Category One waters, their tributaries and all Highlands waters, are afforded a 300-foot buffer. In addition, as required under N.J.A.C. 7:15-5.20(b)3, the adopted 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 (N.J.A.C. 7:13), the Highlands Water Protection and Planning Act rules (N.J.A.C. 7:38), the Stormwater Management rules (N.J.A.C. 7:8), and the Water Quality Management Planning rules (N.J.A.C. 7:15). Most development within these riparian zones is regulated by these 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).

Pursuant to N.J.A.C. 7:15-5.24(c), certain coastal planning areas, not applicable here, must also be excluded from SSA. Specifically, there are no Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Areas in the Upper Delaware WQM planning area.

In accordance with N.J.A.C. 7:15-5.24(d)1, areas with Federal 201 grant limitations that prohibit the extension of sewers are excluded from the adopted SSA either where local mapped information exists delineating these areas, or through a narrative description where mapping does not exist, except as provided under N.J.A.C. 7:15-5.24(f)1. 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 environmentally sensitive areas, are unaffected by adoption of these amendments and compliance is required.

In addition to the environmentally sensitive areas with Federal 201 grant limitations that prohibit the extension of sewers identified under N.J.A.C. 7:15-5.24(d)1, there are other special restricted areas, not applicable here, which must also be excluded from SSA pursuant to N.J.A.C. 7:15-5.24(d)2 through 4. Specifically, there are no beaches, coastal high hazard areas, or dunes in the Upper Delaware WQM planning area.

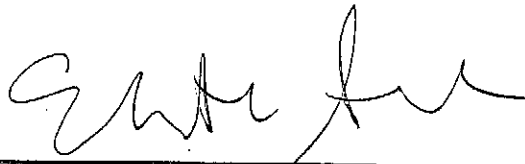
As provided under N.J.A.C. 7:15-5.24(e) through (h), limited environmentally sensitive areas have been included in the SSA. Where applicable, Department Permits or Jurisdictional Determinations have been utilized to determine the extent of the SSA on individual lots.

In accordance with N.J.A.C. 7:15-3.10, the Highlands Water Protection and Planning Council (Highlands Council) was provided an opportunity to review and comment on the proposed amendment within the Highlands Region for consistency with the adopted Regional Master Plan (RMP). In correspondence dated March 7, 2013, the Highlands Council advised Harmony Township that it had determined that the proposed FWSA map was consistent with the RMP.

Any party may submit an application to the Department for a site specific amendment or revision, as applicable, to a WQM Plan to include or exclude additional areas and/or facilities in accordance with N.J.A.C. 7:15 and P.L. 2011, c. 203, as applicable.

Adoption 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 any project/activity. Approval of these amendments does not provide any implied approval for any other aspects of any project or needed permits and approvals. Further, the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and implementing regulations require that full county-wide WMP updates be completed pursuant to the requirements set forth in N.J.A.C. 7:15.

The adopted map is available at the Department, Division of Coastal and Land Use Planning, 401 East State Street, Trenton, New Jersey, 08625.



Elizabeth Semple, Manager
Division of Coastal and Land Use Planning
Department of Environmental Protection

5/7/13

Date