

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

ADOPTED AMENDMENT TO THE UPPER DELAWARE WATER QUALITY
MANAGEMENT PLAN (WQMP)

Public Notice

~~On~~ **Take notice** that on **DEC 30 2015**, 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 (WQM) Planning rules, N.J.A.C. 7:15, and P.L. 2011, c.203 as amended and supplemented by P.L. 2013, c.188, the Department of Environmental Protection (Department) adopted an amendment to the Upper Delaware WQM Plan. This amendment adopts portions of a municipal Wastewater Management Plan (WMP) for Washington Township, Warren County. The partial WMP was submitted by the governing body of Washington Township, Warren County, as the responsible wastewater management planning agency.

The partial WMP for Washington Township, Warren County addresses only the delineation of future sewer service area (SSA) and the environmental constraints and environmental build-out associated with that area. The partial WMP does not include portions of the Township served by septic systems; environmental build-out and nitrate dilution analyses for septic system areas; future water demand and associated capacity analysis; measures to address TMDLs; incorporation of local ordinances governing riparian areas, steep slopes, and storm water; discussion of environmental and other land features; and Wastewater Management Planning Maps 1 (Jurisdictional Boundaries), 5A (Environmental Features - Hydrologic), 5B (Environmental Features - Natural Resources) and 6 (Water Supply). Pursuant to Section 9 of P.L. 2011, c.203,

as amended and supplemented by P.L. 2013, c.188, the Department may accept and adopt, portions of a WMP in addition to those portions that provide for the designation of SSA pursuant to the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

Major actions provided for by the adopted partial WMP consist of removal from previously adopted SSA those areas not currently provided, or expected to be provided, sewer service and expansion of the Hawk Pointe wastewater treatment plant SSA, including the incorporation of three parcels currently served by individual on-site wastewater treatment facilities that are proposed for abandonment.

The partial WMP has been reviewed in accordance with N.J.A.C. 7:15, except as provided for by P.L. 2011, c.203, as amended and supplemented by P.L. 2013, c.188, as outlined below.

In accordance with N.J.A.C. 7:15-5.24(a) the area of proposed sewer service was assessed to determine the presence of any environmentally sensitive, coastal planning and special restricted areas as defined at N.J.A.C. 7:15-5.24(b) through (d), respectively. Generally, such areas must be excluded from the SSA, except as provided for under N.J.A.C. 7:15-5.24(e) through (h).

Pursuant to N.J.A.C. 7:15-5.24(b), environmentally sensitive areas (ESA) are defined 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, special water resource protection areas along Category One waters and their tributaries, and wetlands, alone or in combination. In

accordance with N.J.A.C. 7:15-5.24(a), environmentally sensitive areas are not included in the SSA.

Pursuant to N.J.A.C. 7:15-5.24(c), coastal planning areas, defined as those areas identified on the CAFRA Planning Map as Coastal Fringe Planning, Coastal Rural Planning, or Coastal Environmentally Sensitive Planning, shall be excluded from SSA. There are no such areas within the Township.

Pursuant to N.J.A.C. 7:15-5.24(d), special restricted areas, defined as those areas in which Federal 201 grant limitations prohibit the extension of sewer service; beaches, as defined at N.J.A.C. 7:7E-3.22; coastal high hazard areas, as defined at N.J.A.C. 7:7E-3.18; and dunes, as defined at N.J.A. 7:7E-3.16, shall be excluded from SSA. There are no such areas within the Township.

Pursuant to N.J.A.C. 7:15-5.25(c), an environmental build-out analysis was conducted on a hydrologic unit code (HUC) 11 basis to project future wastewater flow for the proposed SSA in Washington Township. Land areas having the potential to generate sewage, and which were included in the build-out analysis, consist of undeveloped or underdeveloped parcels within the existing and future SSA, but in no cases did those land areas include ESA, wetlands, or riparian areas. Wastewater flow projections were then developed by applying the current municipal zoning to the land areas identified in the build-out described above, tabulating the resulting by-right square footage or residential units, as applicable, on a lot by lot basis, and then applying the appropriate flow criteria listed at N.J.A.C. 7:14A-23.3. The resulting total projected wastewater flow resulting from the build-out analysis for undeveloped and underdeveloped

parcels was used in conjunction with the existing wastewater flow, as described below, to assess whether sufficient wastewater treatment capacity exists to accommodate future need for the entire SSA.

In accordance with N.J.A.C. 7:15-5.25(d), an analysis was performed to assess the existing and future wastewater treatment needs for each wastewater treatment plant serving Washington Township. The existing wastewater flow for each wastewater treatment plant was calculated based on the average of the monthly metered flow over the 12 month period ending December 31, 2013, as reported to the Department in the Discharge Monitoring Reports (DMRs) received from all wastewater treatment plants. The existing measured wastewater flow discharged from each wastewater treatment plant and the future wastewater flow to those treatment plants, as projected in the build-out analysis indicated above, were combined to determine the total projected future wastewater flow from the SSA associated with each wastewater treatment plant serving Washington Township. These combined flow estimates were compared to each treatment plant's current permitted flow to assess whether sufficient wastewater treatment capacity exists to accommodate future need.

The analyses performed pursuant to N.J.A.C. 7:15-5.25(c) and (d), and as described above, demonstrated the potential wastewater generation within each proposed SSA does not exceed the permitted capacity for the associated treatment facility except for the Hawk Pointe facility, NJPDES Permit No. NJ013335. That facility, which has a current permitted flow of 82,000 gallons per day (GPD), was identified as having a build-out flow of 210,000 GPD. However, pursuant to Section 5 of P.L. 2011, c.203, as amended and supplemented by P.L. 2013, c.188, the

Department 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.

The analyses required at N.J.A.C. 7:15-5.25(e), existing and future wastewater treatment needs for non-sewered areas; N.J.A.C. 7:15-5.25(f), water supply needs based on environmental build-out; and N.J.A.C. 7:15-5.25(g), assessment of nonpoint source pollution, were not performed as such topics are not included in the partial WMP's scope.

In recognition of the New Jersey Highlands Council's authority within the Highlands Region, pursuant to the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et. seq. (Highlands Act), Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38) and the WQM Planning rules at N.J.A.C. 7:15-3.10, the Highlands Council was provided an opportunity to review the WQM Plan amendment for consistency with the adopted Regional Master Plan (RMP). In correspondence dated July 8, 2015, the Council advised the Department that the proposed amendment was consistent with the RMP.

This amendment was noticed in the New Jersey Register on July 6, 2015, at 47 N.J.R. 1676(a) and comments were received during the comment period. The following individuals submitted

comments on this amendment:

Commenter Name and Affiliation:

1. Margaret Nordstrom, Executive Director, New Jersey Highlands Council
2. Suzana Duby, Corporate Counsel, New Jersey American Water Company (NJAWC)

As noted below in response to the specific comments, the Department is adopting this amendment with minor changes to text and a table within the partial Washington Township Municipal WMP document pursuant to N.J.A.C. 7:15-3.4(g)9ii. Further, the Department changed the format of this final notice from that used in the preliminary notice. These minor changes are of a technical or administrative nature, and do not destroy the value of the amendment's public notice.

A summary of the comments and the Department's responses follows. The number in [] after each comment identifies the respective commenter listed above.

Comment 1: The commenter states that although the WMP is consistent with the Highlands RMP, it is not conforming, and therefore, the Highlands Centers mentioned on page 10 are not applicable [1].

Response 1: The Department concurs and has directed Washington Township to remove all references to Highlands Centers from the partial WMP document.

Comment 2: The commenter states that the Highlands Technical Report Water Resources Volume 1 (2008), referenced on page 16, is outdated and should not be referenced. Instead, the 2012 Integrated Water Quality Monitoring and Assessment Report should be referenced for Total Maximum Daily Load and measures for reductions in impairments [1].

Response 2: The Department concurs and has directed Washington Township to revise the partial WMP document to reference the 2012 Integrated Water Quality Monitoring and Assessment Report and update the text accordingly. While the WMP document now identifies an additional TMDL for fecal coliform and a new TMDL for E. coli., it was previously noted in both the July 6, 2015 notice of proposed WMP adoption and in the WMP document, that the WMP is a partial WMP and does not include, among other things, measures to address TMDLs. Therefore, such change is more informational, in that it does not substantively affect anything within the partial WMP's scope.

Comment 3: The commenter states that NJAWC owns and operates the Hawk Pointe sewage treatment plant (STP) and that Table 8 on page 20 of the document incorrectly identifies the facility's owner [2].

Response 3: The Department concurs and has directed Washington Township to revise Table 8 on page 20 of the WMP document to indicate NJAWC as the facility's owner.

Comment 4: The commenter noted that the Hawk Pointe STP utilizes a ground water disposal system (infiltration ponds) and was designed and permitted to treat 82,000 GPD. However, the

WMP document contains no discussion regarding how the treatment deficiency – 130,000 GPD resulting from the adopted SSA expansion – would be managed. Further, the commenter is concerned that NJAWC may not own sufficient property to accommodate any necessary expansion of its facility [2].

Response 4: The Department recognizes the commenter's concerns. However, in consultation with Washington Township, the wastewater management planning agency, the Department has exercised its discretion pursuant to Section 5 of P.L. 2011, c.203, as amended and supplemented by P.L. 2013, c.188, to include land within a sewer service area despite the existing treatment works not currently having the assured capacity to treat wastewater from such land without improvements or permit modifications.

Comment 5: The commenter is concerned that the WMP document does not address water supply concerns. Planned service in the near future to 227 residential and commercial customers in Franklin Township, currently served by private wells which were discovered to be contaminated, will exhaust NJWAC's existing water allocation. As a result, NJAWC will have no capacity to serve the build-out population from the expanded Hawk Pointe SSA under its current permitted water allocation [2].

Response 5: The Department recognizes the commenter's concerns. However, as previously noted in both the July 6, 2015 notice of proposed WMP adoption and in the WMP document, that the WMP is a partial WMP and does not include, among other things, future water demand and

capacity analysis. As such, the analysis regarding the ability to provide potable water is beyond the scope of this amendment.

This amendment represents 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 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 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 this amendment.



Colleen Kokas, Director
Office of WRM Coordination
NJDEP

12.30.15

Date

