

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE NORTHEAST, SUSSEX, UPPER  
DELAWARE AND UPPER RARITAN AREA-WIDE WATER QUALITY  
MANAGEMENT PLANS

Public Notice

**Take notice** that on October 6, 2006, 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 Northeast, Sussex, Upper Delaware and Upper Raritan Water Quality Management (WQM) Plans was adopted by the Department of Environmental Protection (Department). This amendment only includes those areas that lie completely within the Highlands Preservation Area as designated at N.J.S.A. 13:20-7b. As discussed in more detail below, this amendment was adopted to reflect the revocation of certain designated sewer service areas in the Highlands Preservation Area in accordance with the Highlands Water Protection and Planning Act, (Highlands Act), N.J.S.A. 13:20-1 et seq. Additionally, as part of this amendment, the Department is adopting the modified sewer service areas as a digital coverage of adopted wastewater service areas for the Highlands Preservation Area.

The New Jersey portion of the Highlands Region has been recognized as an essential source of clean drinking water for one-half of the State's population. This 800,000-acre area in the northern section of the State also holds innumerable ecological, social, cultural, and economic benefits and opportunities.

In order to protect the natural resources and a significant portion of the States drinking water supply within the Highlands Region from over-development, the Highlands Act was signed into law on August 10, 2004. The Highlands Act divided the New Jersey Highlands Region into a preservation area and a planning area. The intent of The Highlands Act is to maintain the environmental and social-economic integrity of this region by significantly reducing development in the preservation area and encouraging appropriate growth in the planning area. To this end, the Highlands Act immediately revoked previously approved sewer service area in the preservation area where wastewater collection systems had not been installed as of August 10, 2004. Specifically, Section 42 of the Highlands Act stipulates that "within the Highlands preservation area as defined in section 3 of P.L. 2004, c. 120 (C. 13:20-3), designated sewer service areas for which wastewater collection systems have not been installed on the date of enactment of P.L. 2004, c. 120 (C. 13:20-1 et al.) are hereby revoked, and any associated treatment works approvals in the impacted areas shall expire on the date of enactment" of the Highland Act. This revocation did not extend to any designated sewer service area or any associated treatment works approvals "necessary to serve development in the Highlands Preservation Area that is exempt" from the Highlands Act as provided at N.J.S.A 13:20-28. Finally, the Highland Act directs the Department to amend the affected areawide water quality management (WQM) plans to reflect the revocation of designated sewer service areas in the preservation area.

In accordance with the Highlands Act, this amendment rescinds designated future or proposed sewer service areas previously identified in the applicable areawide WQM plans, including any adopted wastewater management plans within the Highlands Preservation Area where the Department has determined that wastewater collection systems were not installed as of August 10, 2004. The

rescinded sewer service area designation is re-designated as "General Service Area for Wastewater Facilities with Planning Flows of Less Than 2,000 Gallons Per Day Which Discharge to Ground Water." Areas with existing wastewater service will be maintained, but restricted to the areas served as of August 10, 2004. The rescinded sewer service area applies to service areas of all facilities, domestic or industrial, discharging to surface water; service area of facilities, domestic or industrial, discharging to ground water (including spray irrigation), with wastewater planning flows of 2,000 gallons per day (gpd) or greater; and general service areas designated for facilities with wastewater planning flows of less than 20,000 gpd discharging to ground water. Sewer service area designations as of August 10, 2004 for existing development or proposed projects which have been determined to meet the exemption criteria of the Highlands Water Protection and Planning Act rules, N.J.A.C. 7:38-2.3, will continue to be valid.

The Department has reflected the geographic extent of adopted wastewater service areas as modified through this amendment in an electronic coverage in the areawide WQM Plans. Previously, the adopted wastewater service areas existed on numerous paper copies of varying scales. This amendment replaces those paper renditions with a GIS coverage. This will enable the Department to make current adopted wastewater service areas available to the designated planning agencies, wastewater management planning agencies, State, and local planning agencies and the general public through the Department's GIS website. Future amendments to the areawide WQM Plans would be integrated into the electronic coverage as they are adopted by the Department.

This amendment proposal was noticed in the New Jersey Register on September 19, 2005 at 37 N.J.R. 3731(a). A public hearing conducted by the Department on

the proposed WQM Plan amendment was held on November 4, 2005. Written and verbal comments received on this amendment during the public comment period were entered into the record and considered by the Department.

**Summary of Public Comments and Agency Responses:**

The following people submitted written and/or oral comments on this amendment:

**Number – Commenter Name, Affiliation**

1. Dennis Karakos, P.E., Cerenzio & Panaro, P.C., on behalf of West Milford Township Municipal Utility Authority
2. Gregory White, Wanaque Valley Regional Sewerage Authority
3. Jerome F. Sheean, P.E., T & M Associates on behalf of Northwest Bergen County Utilities Authority
4. Gerald D. Philkill, P.E., Studer and McEldoweny, P.A. on behalf of Holland Township
5. Christine G. Marion, PP, County of Morris Department of Planning, Development & Technology
6. Melanie Michetti, P.E., C.M.E., Township of Roxbury
7. Bill Honachefsky, Clinton Township Resident

The comments submitted and the Department's responses are summarized below. The number(s) in parentheses after each comment identifies the respective commenter(s) listed above.

1. Comment: The digitized Mapping contained errors and/or incorrectly delineated existing sewer service areas. Several commenters included copies of mapping of the areas in question or detailed requested corrections to specific mapped locations. (1), (2), (3), (4), (5), (6)

Response: The methodology utilized to obtain the electronic mapping entailed the scanning of the adopted WMP mapping in the affected area. These maps were digitized and Department staff verified the mapped area against the USGS Quadrangle Maps and 2002 Aerial photographs of the locations. Project specific location maps of individual amendments were also digitized by staff and again verified against the USGS Quadrangle Maps and the 2002 Aerial photographs.

To determine the sewer service area revoked in the Highlands preservation area in accordance with the Highlands Act, the Division of Watershed Management additionally solicited from all applicable agencies and municipalities current mapping indicating existing sanitary sewer infrastructure. However, the response to this request was limited.

In conjunction with the limited data submitted, available records of NJDEP permits for sewer line extensions, NJPDES permit information, Highlands projects determined to be exempt by the Department, as well as an examination of the 2002 aerial photography were reviewed to verify any existing construction. Based upon this information, sewer service area was either removed or maintained. The revised mapping was sent to the affected agencies and municipalities with a request that they verify if the remaining sewer service areas did, in fact, have sanitary infrastructure in place and advise if any areas were omitted.

In the attempt to map only sewer service areas where infrastructure existed prior to August 10, 2004, the Department relied on documentation received from the municipalities or utility authorities. The Department recognizes that not all municipalities and regional utility authorities and affected entities responded to

the request to verify the generated mapping and that the methodology is subject to limitation.

Therefore, all comments received during the public comment period of this amendment indicating inaccuracies with the digitized mapping were checked by Department staff. If verified with infrastructure documentation, the correction was made. If the comment indicated that the service area should have been mapped as existing but no infrastructure documentation was provided and the purported service area was not designated as sewer service area in the adopted WQMP, the Department did not map the location as existing sewer service area.

2. Comment: Several commenters requested a 30-day extension to the comment period. Reasons cited were the potential inconsistencies with the proposed digitized mapping and the fact that the final adopted mapping would have some bearing on the NJDEP Highlands regulatory review. One commenter requested an extension in order to work in conjunction with the Department staff to resolve these inconsistencies to produce the most accurate map possible. Due to an inability to access GIS mapping coverage on the Department website, one commenter requested an extension in order to be furnished with the proposed service area mapping in both the digital and a paper format. (1), (2) & (5)

Response: The Highlands Act directed the Department to amend the affected areawide water quality management (WQM) plans to reflect the revocation of designated sewer service areas in the Highlands Preservation Area. As discussed above in the response to Comment 1, the Department endeavored to reflect this change by soliciting comments and input from all affected entities during the development of the proposed amendment. In addition, the Department addressed all pertinent comments received during the public comment period regarding the

mapping inaccuracies to the greatest extent possible. All attempts were made to verify comments concerning perceived inaccuracies with the proposed digital coverage of the wastewater service areas for the Highlands Preservation Area. If the comment indicating an inaccuracy was verified, the digital coverage was modified to correct the inconsistency.

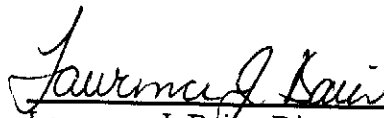
In order to reflect the most accurate sewer service area, the Department re-evaluated the electronic mapping for quality control prior to adoption. However, if any future WQMP amendment application can demonstrate with valid documentation that an error exists, the Department will process a revision to the applicable WQMP to correct the error and identify any existing development and/or the wastewater treatment facility effected by the adoption of this amendment.

The commenter who had difficulty accessing the GIS coverage was contacted directly by the Department and provided with both a paper and electronic copy of the proposed service area mapping.

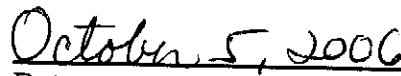
For the reasons cited above, the Department determined that a 30-day extension to the public comment period on this amendment was not necessary. The Department does not believe that an extension of the comment period would likely result in the Department receiving comments relevant to the amendment that raise issues or provide new information, data or findings that were not previously raised or provided during the development of the proposed amendment or during the comment period.

3. Comment: One commenter voiced support for this proposed amendment. (7)

Response: The Department acknowledges the commenter's support for this amendment.



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



Date