

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

REVISION TO THE UPPER RARITAN AND UPPER DELAWARE
WATER QUALITY MANAGEMENT PLANS

TAKE NOTICE that on **DEC 11 2007**, pursuant to the provisions of the 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. 7:15-3.5, a revision to the Upper Raritan and Upper Delaware Water Quality Management (WQM) Plans was adopted by the Department. This revision modifies the Borough of Mount Arlington and the Musconetcong Sewerage Authority (MSA) Wastewater Management Plans to expand the sewer service area of the MSA Sewage Treatment Plant (STP) to include a portion of Block 61, Lot 16, within the Borough of Mount Arlington, Morris County. This parcel is the existing location of Pub 199, a restaurant and bar.

The Department determined Pub 199 to be in violation of N.J.A.C. 7:14A-2.1(d) for an unlawful discharge to groundwater. An enforcement investigation concluded that the restaurant septic system capacity was designed for a projected flow volume from only 100 seats or 1,500 gallons per day (gpd), however the restaurant had seating capacity for over 400 patrons. Planning Board Approval passed in the form of a resolution by the Borough of Mount Arlington indicated that the Pub 199 only received local approval to expand seating to 225 with the construction of a 1,583 sq. ft. addition. However, this approval was contingent upon the restaurant connecting to the sewer system.

The existing 400-seat restaurant required a 14,000 gpd septic system design. The Department concluded that Pub 199 expanded its seating capacity far in excess of its local septic design approval and beyond the regulatory threshold for an individual NJPDES permit. As a result of this investigation, a Notice of Violation was issued on August 12, 2004 directing the owner of Pub 199 to immediately pursue corrective measures. Consequently, an Administrative Consent Order (ACO) has been issued to address the violation of an illegal discharge. In order to avert potential pollution problems from the inadequately designed septic system, the ACO required Pub 199 to reduce the number of seating to 300 seats and to immediately connect to the MSA STP conveyance system. The total projected wastewater flow from this establishment,

calculated in accordance with N.J.A.C. 7:14A-23.3, is 10,500 gpd. This revision only designates the portion of Block 61, Lot 16 on which existing wastewater generating structures exist as proposed sewer service area of the MSA STP.

Pursuant to N.J.A.C. 7:15-4.2(a)2, this expansion of the MSA sewer service area is deemed to be consistent with the Upper Raritan and Upper Delaware Water Quality Management Plans and the applicable provisions of N.J.A.C. 7:15-1 et seq. N.J.A.C. 7:15-4.2(a)2 deems consistent those treatment works whose sole purpose is to abate an existing pollution problem if such treatment works are required by the Department.

Lawrence J. Baier

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

December 11, 2007

Date