

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE UPPER RARITAN AND UPPER
DELAWARE WATER QUALITY MANAGEMENT PLANS

Public Notice

Take notice that on **JAN 13 2009**, 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 Upper Raritan and Upper Delaware Water Quality Management (WQM) Plans was adopted by the Department of Environmental Protection (Department). This amendment modifies the Borough of Mount Arlington and the Musconetcong Sewerage Authority (MSA) Wastewater Management Plans by expanding the sewer service area of the MSA Sewage Treatment Plant (STP) to include two existing single-family dwellings. The dwellings to be included in the MSA STP sewer service area are currently served by individual subsurface sewage disposal systems. The residential properties are identified as Block 64, Lot 7 and Block 65, Lot 1 in the Borough of Mount Arlington, Morris County and are located at the intersection of Howard Boulevard and Larson Lane. The total projected wastewater flow from the two lots, calculated in accordance with N.J.A.C. 7:14A-23.3, is 600 gallons per day (gpd).

This amendment resulted from a request submitted to the Department by the Borough of Mount Arlington for the proposed connection of the two existing single-family homes to the Borough sanitary sewer system due to failing septic systems. As part of this amendment, the Borough of Mount Arlington Health Department verified on several occasions that the two septic systems failed.

The Department requested verification that the expanded sewer service area would include only the existing single-family dwelling on each respective lot. The Borough responded with adopting Ordinance #06-08. This ordinance requires limiting the allocated wastewater flow from each parcel (Block 64, Lot 7 and Block 65, Lot 1) to 300 gpd. This ordinance prohibits any additional units or wastewater generating structures on either of the two parcels from connecting to the sanitary sewer system. The Department concluded that the adopted Ordinance #06-08 satisfactorily restricted any wastewater flow beyond 300 gpd on each parcel. Resultantly, the existing septic failure will be addressed without encouraging additional development. No expansion to the MSA STP is proposed to accommodate the projected increase from the expanded service area.

This amendment has been reviewed in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. This evaluation determined that the threshold for Executive Order 109 (2000) (EO109) was not triggered; therefore, alternative and environmental impact analyses were not required for this proposed amendment.

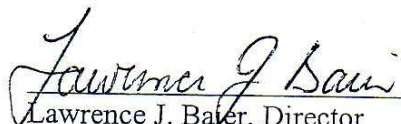
This amendment proposal was noticed in the N.J.R. on June 16, 2008 at 40 N.J.R. 3755(b). The project site is located within the Highlands Planning Area. In accordance with the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38, the Department shall not approve a Water Quality Management Plan amendment for a project proposed in the Planning area without first obtaining a determination of consistency with the Regional Master Plan (RMP) from the Highlands Council (Council). Comments contained with a consistency determination on the proposed amendment were received from the Council on September 25, 2008 and are summarized below with the Department's response.

Comment: The Council determined that the proposed project is consistent with all but one of the applicable goals, policies, and objectives of the Regional Master Plan. The exception is the requirement for 125% mitigation of the increase in consumptive/depletive water use. The Council consistency determination noted that the proposed connection of two failing septic systems to the Musconetcong Sewerage Authority STP will result in a conversion of the water use from consumptive to depletive, as it represents a water transfer between two subwatersheds. The water source, supplied by the Morris County Municipal Utility Authority (MCMUA) is within a subwatershed identified in the RMP as a Current Deficit Area. Any proposed additional consumptive or depletive water use that exacerbates a water supply deficit is inconsistent with the adopted RMP. To remedy this potential loss, the Council requested that conservation measures within the MCMUA water service area be implemented to offset this loss by 125%. The Council recognized that the Borough of Mount Arlington provided information that multiple water conservation measures are being implemented within the Borough that effectively mitigate the loss of the approximately 600 gpd from the source watershed. The Council acknowledged that the Department may determine that Mount Arlington has already met the requirement.

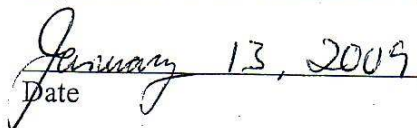
Response: In response to the Council's comments, the Borough of Mount Arlington submitted to the Department copies of an existing ordinance adopted in 2006 and documentation that established the Municipality's current efforts to reduce water consumption associated with the public water system. Ordinance #18-06 referred to as "Revised Water Rates and Restrictions on Outside Use of Water" is designed to place a significant cost burden on large consumers, most notably customers with lawn sprinkling systems. In addition, the Borough provided Water Leak Repair Summary Reports since 2007 for the on-going leak

detection program. The combination of these reports documented that the detected leaks repaired by the Borough of Mount Arlington Public Works Department had eliminated an estimated loss of 18,720 gpd. The submitted documentation demonstrated mitigation efforts throughout the Borough far in excess of the recommended 750 gpd to compensate for the consumptive/depletive loss as a result of the connection of the two dwellings. Therefore, the Department determined that compensation for this potential water consumptive/depletive loss has been met.

This proposed 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.



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



Date