

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

ADOPTED AMENDMENT TO THE UPPER RARITAN WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that on **DEC 23 2015**, 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 (WQM) Planning rules, the Department of Environmental Protection (Department) adopted an amendment to the Upper Raritan Water Quality Management Plan. This amendment, submitted on behalf of the Board of Chosen Freeholders of Hunterdon County, the responsible Wastewater Management Planning Agency for Hunterdon County, adopts a Califon Borough municipal chapter of the Hunterdon County Wastewater Management Plan (WMP) in accordance with N.J.A.C. 7:15-5.3(g). This amendment has been prepared pursuant to the New Jersey Water Quality Management Planning Act, N.J.S.A. 58:11A-1 et seq., the WQM Planning rules, N.J.A.C. 7:15, and the New Jersey Highlands Council's Highlands Regional Master Plan (RMP).

The Borough of Califon, located entirely in the Highlands Preservation Area as delineated by the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), has agreed to conform to the RMP developed and adopted by the Highlands Council in accordance with the Highlands Act and to the Plan Conformance process adopted by the Highlands Council. The Highlands Council has approved the Borough's petition for Plan Conformance through Resolution #2010-13. One of the conditions applicable to each municipality that agrees to conform to the RMP for the entire municipality is the development of a municipal WMP, or municipal chapter of a County WMP, as appropriate, in compliance with the RMP and N.J.A.C. 7:15. This WMP was drafted by the Highlands Council with the Borough's endorsement through Resolution #2014-65.

This amendment provides for a municipal chapter that identifies wastewater service designations for areas within the municipality. The WMP chapter designates as Future Sewer Service Area (SSA) areas that are currently served, or are planned to be served in the future, by NJPDES permitted treatment facilities and additionally identifies areas as Septic Areas (those areas with Planning Flows of 2,000 Gallons per Day (GPD) or less). All existing developed areas of Califon Borough are served by individual septic systems and there are currently two individual NJPDES permitted Ground Water Discharges. No expansion of areas identified as SSA is proposed.

Block 2, Lots 3 and 3.01 may, however, require SSA designation upon the Department's determination that a development proposed by the Wade Family Partnership, LLC meets the qualifications for a Highlands Preservation Area Approval with Waiver to avoid a taking without just compensation. The development proposes six, four-bedroom single-family homes on Lot 3.01 and up to an additional 9,000 square feet of commercial development on Lot 3. Consequently, the Department will process a site specific revision for designation of SSA, as applicable to an individual NJPDES permitted Ground Water discharge, and as may be deemed necessary by the Department's issuance of the aforementioned waiver.

The WMP chapter evaluates the ability of the facilities to satisfy current and future wastewater treatment needs, as well as water supply demands of planned development, and potential impacts from nonpoint sources of pollution. This amendment has been reviewed in accordance with the Water Quality Management Planning Rules that provide the environmental review standards to be applied to an amendment for a WMP at N.J.A.C. 7:15-5.18, N.J.A.C. 7:15-5.24, and N.J.A.C. 7:15-5.25.

Since there are no new areas within the Borough proposed for SSA, the analyses required at N.J.A.C. 7:15-5.24, which requires that certain environmentally sensitive areas be assessed and excluded from the SSA, and at N.J.A.C. 7:15-5.25(c), which requires an environmental build-out analysis identifying future projected wastewater flow that may be subject to being provided sewer service are not applicable and, therefore, not performed.

The WMP chapter does, however, incorporate a nitrate dilution analysis in accordance with the RMP requirements to evaluate the groundwater impacts and septic system density on a Hydrologic Unit Code 14 (HUC 14) basis from potential development of those areas outside SSA. The Nitrate Dilution Model, developed by the Department, was applied on a HUC 14 basis using the following Nitrate targets for the respective land use capability zones as identified in the RMP: 2 mg/l within the Community Zone, 1.87 mg/l within the Conservation Zone, and 0.72 mg/l within the Protection Zone. These targets are equivalent to or more stringent than the requirements at N.J.A.C. 7:15-5.25(e). Utilizing these targets, the model estimates the minimum lot size necessary to comply with the ground water quality standards within the HUC 14. This analysis indicated that there is no potential for new development to be served by septic systems or other treatment systems resulting in groundwater discharge.

Approval of development served by septic systems in the Preservation Area will be regulated by the Highlands Act rules, N.J.A.C. 7:38. Further, any project involving a septic system outside of the adopted SSA must have approval under the septic density provisions of the adopted Highlands Checklist Ordinance pursuant to the Highlands Council approval of the Borough's Petition for Plan Conformance. Because any project approved pursuant to the provisions of the Highlands Checklist Ordinance must first demonstrate consistency with the RMP, the applicable septic system density requirements are deemed to be in accordance with the septic density requirements of N.J.A.C. 7:15. However, where the development activity is exempt from the Highlands Act or receives a Highlands Preservation Area Approval from NJDEP, such development shall be in conformance with N.J.A.C. 7:15-5.25(e) regarding septic system densities. Consequently, the Department concluded that groundwater quality will be protected.

A Water Use analysis performed pursuant to N.J.A.C. 7:15-5.25(f) indicated a single Department-regulated water supply purveyor serving the Borough through an existing water allocation permit. Aqua New Jersey Water Company (Califon Unit – PWSID #1004001). The current approved water allocation capacity for this utility is 5.7 million gallons per month (MGM). The septic system density/build-out analysis indicated that there would be no future projected water demand and an excess available water supply capacity of 1.869 MGM for this purveyor. Consequently, the Water Use Analysis has been satisfied.

The Nonpoint Source Pollution Impact – Stormwater Standards analysis, as required at N.J.A.C. 7:15-5.25(g)(1), indicated that Califon Borough has adopted the required stormwater management ordinance in compliance with its NJPDES MS4 stormwater permit (Ordinance #2006-05). Consequently, adoption of this ordinance by Califon Borough ensures compliance with the performance standards of the Stormwater Management rules, N.J.A.C. 7:8.

The Nonpoint Source Pollution Impact – Riparian Corridor and Steep Slopes analyses, as required at N.J.A.C. 7:15-5.25(g)(2)-(6), indicated that the Borough of Califon has adopted a Highlands Checklist Ordinance (Ordinance #2011-05) in compliance with the Plan Conformance approval of the Highlands Council.

The Highlands Checklist Ordinance ensures protection of the riparian corridors along all perennial and intermittent streams and lakes within the Borough. Pursuant to the RMP and the Highlands Checklist Ordinance, Highlands open water buffers extend to 300 feet from the top of bank (or centerline of a first order stream where no bank is apparent). This requirement applies to all Highlands Open Waters within the Highlands Region, regardless of stream classification in the Surface Water Quality Standards at N.J.A.C. 7:9B. Such buffers will be regulated through the adopted Highlands Checklist Ordinance, which is equivalent to or more stringent than the Department's riparian zone standard contained in the Flood Hazard Control Act rules (N.J.A.C. 7:13), Stormwater rules (N.J.A.C. 7:8) and Water Quality Management Planning rules (N.J.A.C. 7:15). Consequently, the Riparian Corridor protection standards have been met.

Further, the adopted Highlands Checklist Ordinance addresses steep slopes for gradients 10 percent or greater. This protection is more stringent than the requirements at N.J.A.C. 7:15-5.25(g)(6). Consequently, the Steep Slope protection requirements have been met.

This amendment proposal was noticed in the New Jersey Register on October 5, 2015 at 47 N.J.R. 2510(a) 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. 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.



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12-23-15

Date