

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF COASTAL AND LAND USE PLANNING

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

Public Notice

Take notice that on **JUL 24 2012**, 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 Delaware and Upper Raritan Water Quality Management (WQM) Plans was adopted by the Department of Environmental Protection (Department). This amendment, submitted by the Township of Washington, Morris County, provides for a Washington Township Municipal Wastewater Management Plan (WMP). In accordance with N.J.A.C. 7:15-5.13(c), the Township of Washington is the responsible Wastewater Management Planning Agency and has submitted a WMP which covers their municipality only.

Washington Township, located within the Highlands Region 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 Highlands Regional Master Plan (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 Township's Petition for Plan Conformance and the designation of the Washington Township Highlands Center through Resolution #2011-14. 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. The WMP was drafted by the Highlands Council with the Township's concurrence through resolution.

This amendment provides for a municipal WMP that identifies wastewater service designations as either Septic Areas (Planning Flows of 2,000 Gallons per Day (GPD) or Less) or Future Sewer Service Area (FSSA) of the Washington Township Municipal Utilities Authority (WTMUA) Long Valley Village (LVV) Wastewater Treatment Plant (WTP), WTMUA Schooley's Mountain WTP, the Hackettstown Municipal Utility Authority (HMUA) WTP, or individual NJPDES permitted Ground Water Discharge locations.

This amendment re-delineates sewer service area (SSA) within the boundaries of Washington Township consistent with the RMP. As part of the adopted Washington Township WMP, areas that were previously approved SSA that have never been connected to a wastewater treatment system as recognized in the WMP, and which have been identified as environmentally sensitive areas (ESA), were removed from the SSA. The locations removed from the previously approved SSA have the wastewater service designation "Septic Areas (Planning Flows of 2,000 Gallons per Day (GPD) or Less)."

The LVV WTP and the Schooley's Mountain WTP are owned and operated by the WTMUA. Currently, the LVV WTP (#NJ0109061) has a permitted capacity of 0.244 million gallons per day (MGD), and the Schooley's Mountain WTP (#NJ0023493) has a permitted capacity 0.50 MGD. The HMUA WTP (#NJ0021369), which serves the Town of Hackettstown and portions of Washington Township, Mount Olive Township, Mansfield Township, and Independence Township, has a permitted capacity of 3.39 MGD.

The LVV WTP and the Schooley's Mountain WTP both discharge to the South Branch Raritan River, a designated Category 1 (C1), Fresh Water 2, Trout Production (FW2-TP) waterway as classified under the Surface Water Quality Standards, N.J.A.C. 7:9B. The HMUA WTP discharges to the Musconetcong River, a designated Category 2 (C2), Fresh Water 2, Trout Maintenance (FW2-TM) waterway. All receiving waterways are designated as Highlands open waters.

This amendment retains most of the previously approved SSA within the boundaries of Washington Township, consistent with the RMP, to serve existing and future development. This adopted FSSA allows for new proposed development within the Historic Long Valley Highlands Center as designated by the Highlands Council, including connection of existing septic systems that are located within the adopted FSSA.

As part of this amendment, the SSA of the LVV WTP will be extended to allow expansion of Valley View Chapel. Currently, the existing Chapel is utilizing an on-site septic system which is to be abandoned. The adopted FSSA to serve this religious center shall be limited to the existing chapel and the new proposed development for Valley View Chapel only. In addition, the LVV WTP SSA will be expanded within the Preservation Area to serve the proposed Black Oak Golf Course clubhouse and to allow future connection of existing septic systems including three homes directly to the west of the West Morris Regional High School on Bartley Road and a cluster of development on Sandt Lane. The Washington Township WMP includes minor reductions of the previously approved SSA to eliminate conflict with ESA and promotes consistency with the Highlands Act and the adopted RMP.

As part of this amendment, adjustments to the previously approved SSA delineation have been made to more accurately reflect the existing tax parcel and municipal boundary lines of Washington Township within the FSSA. As a result of more accurate digital parcel mapping and Geographic Information Systems technology, this WMP re-delineates portions of the previously approved SSA to accurately identify lots currently served by the specific recognized WTP and revises the FSSA to correspond to the boundary lines of lots proposed for connection to the sewer system.

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.

This WMP incorporates an environmental constraints/build-out (build-out) analysis to identify future projected flow from the adopted FSSA within Washington Township. This projected flow is used to assess whether sufficient capacity exists at the three respective WTP's (LVV, Schooley's Mountain, and HMUA) to accommodate future need. This build-out analysis was conducted for all parcels within the existing and adopted SSA within Washington Township only.

To assess the current available wastewater capacity, the existing wastewater flow received at the three WTPs identified in the WMP (LVV, Schooley's Mountain, and Hackettstown MUA) was calculated as the average of the monthly metered flow from each facility reported to the Department from January 2010 through December 2010. The calculated annual average of the monthly flow for the

HMUA WTP included the existing wastewater received from all five municipalities served by this facility: the Town of Hackettstown, Washington Township, Mount Olive Township, Mansfield Township, and Independence Township.

The calculated annual average of the monthly flow for the LVV WTP is 0.134 MGD. This flow volume subtracted from the current Department recognized permit capacity of 0.244 MGD suggests a potential available capacity of 0.11 MGD for this WTP. The annual average of the monthly average flow to the Schooley's Mountain WTP was calculated to be 0.401 MGD. This average monthly average flow subtracted from the current permit capacity of 0.500 MGD yields a potential available capacity of 0.099 MGD for this facility. Finally, the calculated average of the monthly average flow for the HMUA WTP is 2.25 MGD. This flow volume subtracted from the current Department recognized permit capacity of 3.39 MGD indicates a potential available capacity of 1.14 MGD.

For those portions of the FSSA within Washington Township that are either undeveloped or underdeveloped, the projected wastewater flow was calculated in accordance with N.J.A.C. 7:14A-23.3. Calculations were based upon the current municipal zoning and included potential development of all remaining parcels of vacant land, underdeveloped residential and commercial property, and any existing parcels currently served by individual subsurface sewage disposal systems that are located within the adopted FSSA. Pursuant to N.J.A.C. 7:15-5.25(c)(1), environmentally constrained areas were excluded from the SSA for purposes of projecting wastewater flow. The environmentally constrained areas excluded in projecting wastewater flow from the FSSA included wetlands,

preserved open space, and documented flood prone areas or protected riparian corridor areas where development would be limited.

The total projected wastewater flow for undeveloped and underdeveloped portions of Washington Township within the existing and adopted FSSA to the LVV WTP was determined to be 0.1413 MGD. No new wastewater flow from within the existing and adopted FSSA to the Schooley's Mountain WTP has been projected at this time. Within that portion of Washington Township served by the HMUA WTP, the total projected wastewater flow from undeveloped and/or underdeveloped parcels within the existing and adopted FSSA was determined to be 0.46 MGD.

As the projected wastewater flow of 0.1413 MGD to the LVV WTP to serve the future needs of Washington Township is within the permitted capacity of 0.244 MGD and no new wastewater flow from within the existing and adopted FSSA to the Schooley's Mountain WTP is projected in this WMP, no expansion of these WTPs is required at this time nor anticipated in the immediate future. Accordingly, the build-out analysis for the respective facilities has been satisfied.

As part of this WMP, flow projections have not been completed for the additional municipalities served by the HMUA WTP: the Town of Hackettstown, Mount Olive Township, Mansfield Township, and Independence Township. A complete build-out analysis for the HMUA WTP is to be fully assessed as part of the pending Town of Hackettstown WMP currently under development.

Pursuant to recently enacted P.L. 2011, c. 203, s. 5, the Department, in consultation with the applicable wastewater management planning agency, 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 modification. Therefore, amendments to update a SSA may be approved if such actions are compliant with the applicable sections of the Water Quality Management Planning Rules regardless of whether capacity has been fully assessed.

As a result of the Highlands Act, and subsequent plan conformance with the RMP, previously approved SSA within Washington Township and the additional municipalities served by the HMUA WTP will in some cases be significantly reduced, limiting the potential for future wastewater flow.

Taking into account these reductions in potential future wastewater flow for the area served by the HMUA WTP, as well as the above calculated projected wastewater flow of 0.46 MGD (which is well within the potential available capacity of 1.14 MGD and the permit capacity of 3.39 MGD of the Hackettstown MUA WTP), consistent with P.L. 2011, c. 203, s. 5, the Department has determined, in consultation with the Township of Washington, that proceeding with this proposed amendment based upon the information available at this time is appropriate. Nevertheless, a partial capacity analysis of the HMUA WTP representing currently available information is presented in the Washington Township WMP.

As indicated above, the Department has concluded that the projected wastewater flow to serve the future needs of Washington Township is within the potential available capacity and the permitted capacity of the HMUA WTP.

To comply with the Nonpoint Source Pollutant Loading/Hydromodification Analysis required at N.J.A.C. 7:15-5.25(g)(1), Washington Township submitted

and obtained approval of their Stormwater Management Plan and adopted Stormwater Control Ordinance (SCO) from Morris County. Washington Township adopted its SCO (Ord. #46-05) on December 19, 2005. As required, the adoption of this ordinance by Washington Township ensures compliance with the performance standards of the Stormwater Management rules, N.J.A.C. 7:8.

To comply with the Nonpoint Source Pollutant Analysis required at N.J.A.C. 7:15-5.25(g)(2)-(6), Washington Township was to adopt a Land Use Ordinance consistent with the RMP, which is required for all conforming municipalities. Washington Township was to adopt the Highlands Land Use Ordinance, the Highlands Checklist Ordinance, or both, prior to adoption of this amendment. Adoption of either the Highlands Land Use Ordinance or the Highlands Checklist Ordinance will achieve compliance with the nonpoint source pollutant requirements.

On May 21, 2012, Washington Township formally adopted Ordinance No. RO-09-12 (Highlands Checklist Ordinance) amending the Township Land Use Ordinance to update submission requirements for development applications. As a result of the adoption of Washington Township's Highlands Checklist Ordinance, the Department's Nonpoint Source Pollutant Analysis, and Riparian Corridor and steep slopes protection requirements have been met.

To satisfy the riparian corridor analysis, it is necessary that riparian areas in the WMP area be protected. Adoption of the Highlands Checklist Ordinance ensures the protection of the riparian corridors along all perennial and intermittent streams and lakes within Washington Township.

Pursuant to the RMP and both the Highlands Land Use Ordinance 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 and are applicable to both the Planning and Preservation Areas. The Highlands Checklist Ordinance 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) and Water Quality Management Rules (N.J.A.C. 7:15). In addition, the Highlands open water buffers are not proposed to be served by sewers. Consequently, the Department's Riparian Corridor protection requirements have been met.

Additionally, 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), which require protection of steep slopes for gradients 20 percent or greater. Consequently, the Department's Steep Slope protection requirements have been met.

The Endangered or Threatened Species Habitat Analysis, required pursuant to N.J.A.C. 7:15-5.24(g), was performed utilizing the Department's Division of Fish and Wildlife, Endangered and Non-Game Species Program "Landscape Project." The Landscape Project identifies areas of critical habitat for Federal and State endangered or threatened species and other species of concern. Endangered and threatened species habitats reviewed under this analysis are Rank 5 (Federal endangered and/or threatened species), Rank 4 (State endangered species), or Rank 3 (State threatened species). Ranked 3, 4, or 5 habitat areas have been

determined as critical to the overall population and/or survival of the specific species. The Highlands Council has limited the inclusion of threatened and endangered species habitat within the FSSA and provides additional protections through the Highlands Checklist Ordinance and Highlands Land Use Ordinance. The Department therefore has determined that habitat for endangered and/or threatened species will be protected.

A nitrate dilution analysis 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 of the adopted FSSAs has been conducted as part of this amendment in accordance with the RMP requirements. The evaluation conducted to comply with the RMP applies the Nitrate Dilution Model, developed by the Department, on a HUC 14 basis in both the Planning and Preservation Areas, and uses the following Nitrate targets for the respective land use capability zones as identified in the adopted 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. Utilizing these targets, the model estimates the minimum lot size necessary to comply with the groundwater quality standards within the HUC 14. This analysis resulted in the potential for 63 new dwellings to be served by septic systems in the Planning Area and 38 new dwellings to be served by septic systems in the Preservation Area. The 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 FSSA must have approval under the septic system density provisions of the adopted Highlands Checklist Ordinance pursuant to Highlands Council approval of the

Township'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 system 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(e) regarding septic system densities. Consequently, the Department concluded that groundwater quality will be protected.

The Water Use Analysis, performed pursuant to N.J.A.C. 7:15-5.25(f), indicated that several Department regulated water supply purveyors serve Washington Township through their existing water allocation permits. The main public water utility serving Washington Township is the Washington Township MUA-Hagar (PWSID #1438004) and Schooley's Mountain (PWSID #1438003) Systems, which in aggregate serve the majority of the Township's developed areas. The current approved water allocation capacity for this utility is 35 million gallons per month (MGM). The current capacity available to Washington Township is approximately 0.843 MGM. The build-out analysis identifies a projected future water demand of 0.003784 MGD (0.114 MGM) and an excess available capacity of 0.0243 MGD (0.729 MGM) of water supply from this purveyor.

Additionally, Washington Township is served by the HMUA (PWSID #2108001). The current approved water allocation capacity for this public water purveyor is 123.7 MGM. The current capacity available to Washington Township from this water purveyor is approximately 30 MGM. The build-out analysis identifies a projected future water supply demand of 0.0222 MGD (0.666 MGM) and a

remaining available capacity of 0.972 MGD (29.16 MGM). Consequently, the Water Use Analysis has been satisfied.

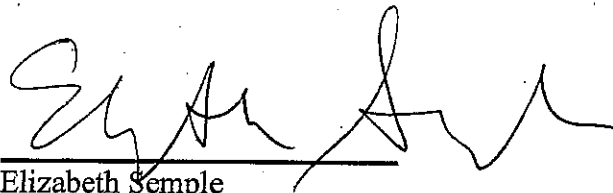
This amendment proposal was published in the New Jersey Register on April 16, 2012, at 44 N.J.R. 1284(b). Comments on this amendment were received by Mr. Abromitis, property owner at 24 Route 46, Washington Township. A summary of the comments and the Department's responses follows:

Comment: I own property located at 24 Route 46 Washington Township, Morris County (Block 1, Lot 4). Commercial and residential properties in the vicinity have public water supply; however, my property and others have only cesspools and possibly a couple of septic systems for sewage treatment. Our properties are less than ½ mile from the Musconetcong River. Although a public sanitary sewer line is available just 100 feet from my property, the Township, the HMUA, or any other governmental agency have not been willing to assist me or other property owners in obtaining access to it. As of April 2, 2012, New Jersey legislation has taken effect that would make it illegal to transfer ownership of property with a cesspool. At this time, it seems that someone with governmental authority should be willing and able to put pressure on the powers that be and do whatever is necessary to enable us, as tax payers and residents of Washington Township, to obtain access to the sanitary line that is already very close to my property.

Response: The affected parcel, Block 1, Lot 4, is within the FSSA of the HMUA WTP as adopted in the Washington Township WMP. As such, any parcel within the FSSA is deemed consistent with the applicable WQM Plan and eligible for sanitary sewer service when the sewer line is extended as provided for in the adopted WMP. If the property owner wishes to replace the existing cesspool with an onsite system prior to extension of the sewer line, the property owner can seek

approval to replace the cesspool with an onsite system in accordance with N.J.A.C. 7:9A-3.16.

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.



Elizabeth Semple
Division of Coastal and Land Use Planning
Department of Environmental Protection

7/24/12

Date