PUBLIC NOTICE

ENVIRONMENTAL PROTECTION OFFICE OF WATER RESOURCES MANAGEMENT (WRM) COORDINATION

Proposed Amendment to the Northeast and Sussex County Water Quality Management Plans

Public Notice

Take notice that on JUN 30 2015, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Statewide Water Quality Management (WQM) Planning rules, N.J.A.C. 7:15, and P.L. 2013, c. 188, the Department of Environmental Protection (Department) adopted amendments to the Northeast and Sussex County Water Quality Management (WQM) Plans. This amendment, submitted on behalf of the Board of Chosen Freeholders of Morris County as the responsible Wastewater Management Planning agency for Morris County, adopts a Jefferson Township Municipal Chapter to the county-wide 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 Planning Act, N.J.S.A. 58:11A-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15.

The amendment complies with the WQM planning rules at N.J.A.C. 7:15-5.15 through 5.20 and would provide for a Jefferson Township WMP chapter that identifies wastewater service designations for areas within the municipality. The WMP designates as Future Sewer Service Area areas that are currently served, or are planned to be served in the future, by NJPDES permitted treatment facilities within Jefferson Township that discharge to either surface water or groundwater and additionally identifies other areas as Septic Areas (those areas with Planning Flows of 2,000 Gallons per Day (GPD) or Less).

Jefferson Township includes area that is within the Northeast WQM Plan as well as area falling under the Sussex County WQM Plan. The predominant portion of the Sewer Service Area (SSA) identified in the in WMP chapter is proposed to be served by the Musconetcong Sewerage Authority Sanitary Treatment Plant (STP) (NJ0027821), a major surface water discharge facility designated to serve the portion of Jefferson Township that is within the Sussex County WQM planning area. The WMP chapter also includes SSA served by the White Rock Lake STP (NJ0026867) which provides treatment for existing development in the portion of Jefferson Township that is within the Northeast WQM planning area. In addition to the area served by these two STPs, the WMP includes numerous SSAs for individual discharge to groundwater facilities serving both commercial and residential development of various sizes within Jefferson Township. The largest of these is served by the Jefferson Village STP (NJ0133558). 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 WQM Planning Rules, N.J.A.C. 7:15.

Currently, Jefferson Township operates two wastewater treatment facilities, the Water's Edge/Moosepac Pond STP (NJ0081086) and the White Rock Lake STP (referenced above), which are in close proximity to each other. As part of this amendment, the Jefferson WMP chapter would eliminate the Water's Edge/Moosepac STP with all wastewater from existing development within this service area to be pumped to, and treated by, the White Rock Lake Facility. As provided in the WMP chapter, the White Rock Lake facility would have capacity to accept the flow currently served by the Water's Edge/Moosepac Pond STP without the need to expand permitted flow. Both of these STP's are located within the Highlands Preservation Area and therefore subject to the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et. seq. (Highlands Act), the Highlands Water Protection and Planning Act Rules

(N.J.A.C. 7:38) and conformance with the adopted Highlands Regional Master Plan (RMP).

On April 25, 2013 the Morris County Future Wastewater Service Area (FWSA) map affecting that portion of Jefferson Township within the Northeast WQM Planning area was approved by the Department (45 N.J.R. 1253(a), Volume 45, Issue 10). Subsequently, on June 4, 2013 the Department adopted those portions of the Morris County Future Wastewater Service Area (FWSA) map within the Sussex County WQM Planning area (45 N.J.R. 1666(a), Volume 45, Issue 13). As part of this amendment, the SSA as delineated by the approved Morris County FWSA map will not be modified, except to reflect the proposed elimination of the Water's Edge/Moosepac Pond STP with the SSA of this treatment facility to be added to that currently designated to be served by the White Rock Lake STP, as discussed above.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas have been assessed to determine what areas must be excluded from the SSAs. Pursuant to N.J.A.C. 7:15-5.24, environmentally sensitive areas (ESA) are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered wildlife species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, special water resource protection areas along Category One waters and their tributaries, and wetlands, alone or in combination. In accordance with N.J.A.C. 7:15-5.24(b), environmentally sensitive areas are not included in the SSA except as provided under N.J.A.C. 7:15-5.24(e) through (h).

In accordance with N.J.A.C. 7:15-5.25(c), an environmental build-out analysis (build-out analysis) to identify future projected wastewater flow was developed for each existing and future wastewater service areas in Jefferson Township on a hydrologic unit code (HUC) 11 basis. The existing and future wastewater treatment needs of each SSA associated with each specific wastewater treatment facility identified in Jefferson Township were evaluated. The build-out analysis was performed to project wastewater

flow for both undeveloped and underdeveloped parcels within the existing and future SSA. Environmentally constrained areas have been excluded for purposes of projecting wastewater flow. Environmentally constrained areas include wetlands, floodways, and stream corridors. Wastewater flow projections are calculated based upon the current municipal zoning and include potential development of all remaining non-environmentally constrained parcels of vacant land, underdeveloped residential and commercial property, and any existing parcels currently served by individual subsurface sewage disposal systems (ISSDSs) that are located within the adopted SSA and not currently provided sanitary sewer service. The wastewater flow was projected applying the appropriate criteria listed at N.J.A.C. 7:14A-23.3. The total projected wastewater flow for undeveloped and underdeveloped areas within Jefferson Township's existing and future SSA was used in conjunction with the estimated existing wastewater flow, as described below, to assess whether sufficient capacity exists to accommodate future need for the entire SSA.

Pursuant to N.J.A.C. 7:15-5.25(d) an analysis was performed to assess the existing and future wastewater treatment needs for each wastewater treatment plant in Jefferson Township. The existing wastewater flow for each wastewater treatment plant was calculated based on the average of the monthly metered flow over the 12 month period ending on May of 2013, as reported to the Department in the Discharge Monitoring Reports (DMRs) received from all wastewater treatment plants. The existing wastewater flow volume from each wastewater treatment plant and the future wastewater flow as projected in the build-out analysis as indicated above are combined to determine the total projected future wastewater flow from each SSA associated with the specific wastewater treatment plant within Jefferson Township. This information is utilized to assess whether sufficient capacity exists to accommodate future need.

The analyses performed pursuant to N.J.A.C. 7:15-5.25(c) and (d) as described above demonstrate that the potential wastewater generation from SSA does not exceed the permitted capacity for the associated treatment facilities in Jefferson Township.

Please note, as originally noticed for this proposed amendment, the time period utilized to calculate the existing metered flow applied in the above build-out analysis was erroneously stated as the 12 month period ending on January 31, 2014. However the correct 12 month period as identified above and listed in the Jefferson Township Municipal Chapter is the 12 month period ending on May of 2013. As the reporting period of May 2013 was referenced in the municipal chapter and used as the basis of the build-out analysis, the results and statement above that the analysis demonstrated that the potential wastewater generation from SSA does not exceed the permitted capacity for the associated treatment facilities in Jefferson Township remains valid.

As indicated above, as provided in the WMP chapter, the Water's Edge/Moosepac Pond STP (NJ0081086) is to be decommissioned and all existing flow currently treated by that plant is to be transferred to the White Rock Lake STP (NJ0026867). The build-out analysis area to be served by the White Rock Lake STP including the combined existing flow from the area currently treated by Water's Edge/Moosepac Pond STP demonstrates that the future flows will remain under the current permitted flow for the White Rock STP of .1295 million gallons per day (MGD). There are no other modifications to the Sewer Service Area (SSA) within Jefferson Twp.

It is noted here, the permitted flow for the White Rock Lake STP (NJ0026867) was misidentified in the preliminary notice for the proposed amendment as 1.295 MGD and not the correct flow of .1295 MGD, as given above. Nonetheless, the result of the build-out analysis of the combined SSA area to be served by the White Rock Lake STP demonstrated that the future flow will remain under the permitted of .1295 MGD flow for the White Rock STP has not changed.

In accordance with N.J.A.C. 7:15-5.25(e), the future wastewater treatment needs were evaluated for those areas outside of the SSA that are to be served by septic systems. As part of this evaluation, the development density that can be accommodated in undeveloped and underdeveloped areas that will result in attainment of 2.0 mg/L in the ground water on a HUC 14 basis was determined. Pursuant to the Ground Water Quality Standards (GWQS) at N.J.A.C. 7:9C and the WQM Planning rules at N.J.A.C. 7:15, areas that are designated for septic systems must achieve a planning standard of 2.0 mg/L nitrate on a HUC 14 watershed basis in the Highlands Preservation Area or HUC 11 in all other areas. It is, therefore, necessary to determine how much development relying on ground water disposal of wastewater can be supported within a HUC 14 or HUC 11 watershed while attaining this planning standard, using one of the nitrate dilution models described in the WQM Planning rules at N.J.A.C. 7:15-5.25(e)1i. Achieving the planning standard ensures that existing ground water quality will be maintained on a regional basis, thus ensuring compliance with the antidegradation policy in the GWQS. A nitrate dilution model developed by the Department was applied to estimate the minimum lot size necessary to achieve the planning standard.

As no new septic system would be permitted within that portion of Jefferson Township within the Highlands Preservation Area unless in compliance with the Highlands Act, the nitrate analysis performed by Morris County for Jefferson Township only addressed that portion of Jefferson Township within the Highlands Planning area. However, for continuity purposes, this analysis was performed on a HUC 14 basis as would be required for conformance with the RMP. This analysis determined that, under current municipal zoning regulations, potential development densities within the Highlands Planning Area will result in attainment of 2.0 mg/L nitrate in ground water on a HUC 14 watershed basis. In accordance with N.J.A.C. 7:15-5.25(e)3, to demonstrate that areas to be served by ISSDS are subject to a maintenance program, Jefferson Township has adopted a Septic System Maintenance ordinance.

As indicted in the preliminary notice for the proposed amendment, the above discussed analysis for the attainment of 2.0 mg/L nitrate in ground water, erroneously identified the HUC 11 watershed basin as geographic basis of this study. However this analysis was, in conformance with RMP for this analysis within the Preservation Areas, conducted on the HUC 14 watershed. As the HUC 11 is the larger drainage area and contains the smaller HUC 14 watershed, this error does not alter the determination that the analysis has been satisfied.

In accordance with N.J.A.C. 7:15-5.25(f), the water supply needs associated with the environmental build-out performed in accordance with N.J.A.C. 7:15-5.25(c) for Jefferson Township were evaluated to determine whether the water supply needs can be met with existing, new, or expanded water supplies that do not conflict with the currently adopted New Jersey State Water Supply Plan (NJWSP). The analysis performed by Morris County for Jefferson Township demonstrates that the existing water allocation permit(s) for the water supply purveyors within Jefferson Township meet existing use and could serve future build-out as projected for Jefferson Township. Further, there are no significant water supply issues identified in the current State Water Supply Plan for the planning areas impacting Morris County.

In accordance with N.J.A.C. 7:15-5.25(g), an assessment of nonpoint source pollution impacts of planned future development was conducted for Jefferson Township. To demonstrate that ground water recharge shall be maintained and stormwater runoff quality shall be controlled in accordance with the requirements of the Stormwater Management rules, N.J.A.C. 7:8, Jefferson Township has adopted a stormwater management plan and ordinance that conforms with the requirements of N.J.A.C. 7:8. To demonstrate protection of riparian zones from disturbance, Jefferson Township has adopted a riparian protection zone ordinance that conforms to the requirements of N.J.A.C. 7:15-5.25(g)2 and 3. To demonstrate that environmental standards for steep slopes are met, Jefferson Township adopted a steep slope ordinance that protects steep

slopes from new disturbance for projects or activities in conformance with N.J.A.C. 7:15-5.25(g)6.

In accordance with N.J.A.C. 7:15-5.24(d)1, areas with Federal 201 grant limitations that prohibit the extension of sewers to serve development in these areas are excluded from the adopted SSA either where local mapped information exists delineating these areas, or through a narrative description where mapping does not exist. Where a narrative approach has been used, it is noted as text on both the adopted Morris County Future Wastewater service Area (FWSA) map and the Jefferson Township WMP Chapter Map 3M FWSA. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) which provide for restriction of sewer service to environmentally sensitive areas are unaffected by adoption of this amendment and compliance is required.

Jefferson Township is located within the New Jersey Highlands Region. In recognition of the New Jersey Highlands Council's authority within the Highlands Region, pursuant to the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et. seq. (Highlands Act), Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), and the WQM Planning rules at N.J.A.C. 7:15-3.10, the Highlands Council was provided an opportunity to review this WQM Plan amendment for consistency with the adopted Regional Master Plan (RMP). In correspondence to the Department dated March 25, 2015, the Council advised Morris County that it had determined that the proposed amendment was consistent with the RMP.

The notice of this amendment proposal was published in the New Jersey Register on February 17, 2015, at 47 N.J.R. 501(a) and comments were received during the comment period. The following people submitted written comments on this amendment:

Number – Commenter Name, Affiliation

1. Steven Rattner, Chairman, Musconetcong Sewerage Authority (MSA)
2. Margaret Nordstrom, Executive Director, New Jersey Highlands Council

As noted below in response to the specific comments, upon review of the comments, the Department is adopting this amendment with minor changes to text and a table within the Jefferson Township Municipal Chapter to the Morris county-wide WMP document pursuant to N.J.A.C. 7:15-3.4(g)9ii. These minor changes do not effectively destroy the value of the public notice of the proposed amendment as they are technical/administrative corrections or modifications only.

1. Comment: Based on a review of the proposed Jefferson Township Municipal Chapter to the Morris county-wide WMP, the commenter requested for clarification and/or accuracy, text and table edits as described in more detail in the response below. (1)

Response: The Department and Morris County reviewed the comments and considered the suggested edits or additions to the text or tables provided by the commenter. The Department determined the requested modifications to be technical corrections which would not destroy the value of the public notice of the proposed amendment and directed Morris County to revise the Jefferson Township Municipal Chapter sections as identified by the commenter. The following are the specific technical corrections to the text and/or tables have been incorporated in the Jefferson Township Municipal Chapter as part of the adoption of this amendment:

- The commenter indicated that on page 7, under paragraph entitled, "Delineation of Service Areas and Planning Integration Sewer Service Areas", under the first bullet, third sentence, the MSA is not a Utility Authority, it is a Sewerage

Authority created in 1965 under the Sewerage Authorities Law of the State of New Jersey (Laws of 1946, Chapter 138 as amended and supplemented). The referenced text has been corrected to accurately reflect the MSA as a Sewerage Authority and not a Utility Authority

- As listed in Table 2a: Jefferson Township Build-out Table (SSA), page 12; the commenter noted that there is no contractual agreement between MSA and Jefferson Township, as such the MSA does not recognize capacity allocation for Jefferson Township but rather "Certified Need". Jefferson Township's certified need for sewer service capacity was established in the USEPA approved 201 Facilities Plan in 1985. Therefore, as requested the column heading "Capacity Allocation" for the MSA STP build-out table has been replaced by "Certified Need".

- The commenter indicated that the footnote on the bottom of page 12; under Table 2a, stating "The contractual amounts identified in this document are neither NJDEP-determined nor NJDEP-enforced. They are used entirely by MSA and its customers for internal allocation and billing purposes", should be deleted. The commenter stated, the MSA consists of "member communities" each of which has service agreements to provide bulk sewer service to their individual communities. Based on this comment, the footnote has been edited as noted below.

  The certified need identified in this document are neither NJDEP-determined nor NJDEP-enforced. They are used entirely by MSA and its member communities.

- The commenter requested that the first sentence of paragraph two within page 13, "A portion of Jefferson Township is anticipated to be served by the

Musconetcong STP" be revised to replace anticipated with *ultimately* so that the statement reads "a portion of Jefferson Township will *ultimately* be served by the MSA. As a result of the commenter's request, the Department and County have agreed to revise the noted sentence to more accurately read:

The portion of Jefferson Township designated as SSA to the Musconetcong STP as shown on Map3M "Future Wastewater Service Area" is proposed to ultimately be served by this wastewater treatment facility.

- The commenter noted that the sentence in paragraph 2 on page 13, in regards to Table 2a, should indicate that the MSA has sufficient *future* wastewater capacity. As a result of this comment the Department and County agreed to be revised this sentence as:

  Table 2a shows that the Musconetcong STP has sufficient future wastewater capacity to match the expected build-out potential associated with the MSA STP SSA within the Township.

2. Comment: The commenter, in response to their review of the proposed Jefferson Township Municipal Chapter to the Morris county-wide WMP provided suggested edits related to the text information. (2)

Response: The Department and County considered the commenter's edits or additions to the text and/or tables provided by the commenter. As described below, the Department determined the modifications to be technical corrections which would not destroy the value of the public notice of the proposed amendment and directed Morris County to revise the Jefferson Township Municipal Chapter sections as identified by the commenter. The following are the specific technical corrections to the text and have

been made to and incorporated in the Jefferson Township Municipal Chapter as part of the adoption of this amendment:

- The commenter requested that the Water Use and Conservation Management Plan (WUCMP) section on page 17 of the Municipal Chapter be revised with the following language:

  "There are three deficit HUC 14 subwatersheds within Jefferson Township according to the Highlands Regional Master Plan (2008) Net Water Availability (NWA) analysis. The primary purpose of a Highlands Water Use and Conservation Management Plan (WUCMP) is to reduce and where feasible eliminate deficits in subwatersheds where water use was determined to exceed its availability, and therefore deemed to be in deficit. The WUCMP can identify appropriate management strategies that can help ameliorate such water deficits or potential impacts on water supply source areas. There are many water conservation strategies that may support deficit reduction including water system leak detection and reduction, meter calibration or replacement, outdoor water use reduction and enhanced stormwater recharge to name a few. The Highlands Council intends to work directly with Jefferson Township in the formation of the municipal specific WUMCP that all parties agree with."

As a result of the above comment, the Department and Morris County agreed to the revised the text under the WUCP section within the Jefferson Township Municipal Chapter as requested by the commenter.

3. Comment: The commenter noted that a revision to the Sussex County WQM Plan has been adopted affecting Jefferson Township. Namely the Route 15 Properties/ Quik Check located on Block 273.01, Lot 11 and Block 273.02, Lots 1 & 2 adopted on November 20, 2014. The commenter indicated that it may be appropriate to ensure that

the WQM Planning mapping as a result in the adoption of the Jefferson Township Municipal Chapter recognized this previous revisions. (2)

Response: It is noted here that the previous adopted revision for the Route 15 Properties/ Quik Check which created a new designated discharge to groundwater SSA was incorporated into the Department's geo-referenced digital Statewide Sewer Service Area (SSA) mapping on January 23, 2015. In addition, the Department and County will on a continuous bases coordinate in updating the Morris County-wide WMP and individual Municipal Chapters to ensure that all adopted amendments and revision within Morris County are eventually reflected in all associated mapping.

4. Comment: The commenter noted that there appears to be a discrepancy between the public notice and the proposed Municipal Chapter in the referenced to the 12 month period used in calculating the existing flow based on the average of the monthly metered flow. The proposed notice indicted the existing flow was over a 12 month period ending January 31, 2014, the Municipal Chapter states the metered flow dated ended on May of 2013. (2)

Response: As describe above in this notice, the time period utilized to calculate the existing metered flow applied in the above build-out analysis was erroneously stated as the 12 month period ending on January 31, 2014. However the correct 12 month period as identified above and listed in the Jefferson Township Municipal Chapter was the 12 month period ending on May of 2013. As the period of May 2013 was correctly reported in the municipal Chapter, the conclusion that the built out analysis demonstrated that the potential wastewater generation from SSA does not exceed the permitted capacity for the associated treatment facilities in Jefferson Township remains valid.

5. Comment The commenter provided an update as to the status of two Morris County Municipalities on their intent to conform to the RMP. The commenter related that Parsippany-Troy Hills has, at this time, delayed their intention of Plan Conformance and Boonton Township indicated it intends to proceed to conform to the RMP and requested that the County update the county-wide WMP Summary accordingly. (2)

Response: Based on this comment the County has acknowledged the current status of the two municipalities and will revise their County wide WMP summary to reflect this information.

This 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.

CKokas

Colleen Kokas, Director
Office of WRM Coordination
Department of Environmental Protection

6/30/15

Date