

# WQMP Rule N.J.A.C. 7:15

## Summary of Adoption

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# WQMP Program Updates

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- More review staff
  - <http://www.nj.gov/dep/wqmp/docs/wmp-assignments.pdf>
- Staff separated as WMP and Site Specific
  - Covering all regional planning areas
- Responsiveness/Assistance





# WQMP Program Outreach

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- Training session for county planners (Oct)
- General training session (Dec)
  - Done as webinar
- Outreach materials to be posted on web



# WQMP Program ListServ

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- Timely announcements
- A source for public notification of all WQMP amendments
- <http://www.nj.gov/dep/wqmp/subscribe.html>





# WQMP Rule Adoption

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- Effective November 7, 2016
- Rule Proposal, Adoption Document, Final Rule Text posted on web at:  
<http://www.nj.gov/dep/wqmp/guidance.html>



# Rule Overview

## Subchapter 1

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- Purpose and Policy Goals
  - Implement Water Quality Planning Act
  - Maintain/restore the chemical, physical and biological integrity of surface and ground water resources
- Comply with CWA requirements for a Continuing Planning Process (i.e. wastewater planning, water quality assessment, water quality standards and strategies to meet water quality standards)





# Subchapter 1

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- Validity of previously adopted amendments
  - Elimination of mandatory withdrawal of sewer service
  - No expiration dates - All WMPs and amendments remain valid until amended
  - Wastewater Service Area Designations
    - Assigned sewer service area
    - General <20,000 gpd dgw become Non-SSA
    - All general <2,000 gpd dgw become Non-SSA



# Subchapter 1

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- Significant changes to N.J.A.C. 7:15-1.5 Definitions
- Added Highlands Region and Pinelands Area definitions
  - Highlands conforming municipalities definition excluded preservation area to distinguish between revisions and amendments
  - Pinelands area differentiated between State regulated and national reserve





# Subchapter 1

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- Infill development
  - Changed and expanded to mean development of undeveloped or underdeveloped land in an area that is contiguous to and substantially surrounded by developed land that is served by a wastewater treatment facility as of the November 7, 2016, and that will generate less than or equal to 8,000 gallons of wastewater per day.



# Subchapter 1

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- Urbanized Municipalities definition changed on adoption – added
  - Urban aid municipalities (N.J.S.A. 55:19-20 et seq.)
  - Urban Enterprise Zone (N.J.S.A. 52:27H-60 et seq.)
  - Garden State Growth Zone (N.J.S.A. 52:27D-489p et seq.)
  - Transit Villages (approved by NJDOT and NJ Transit)





# Subchapter 1

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- Contact forms, information and web address
- Data and mapping format
- E-Submittal
  - DEP Regulatory Service Portal
    - Under development
  - E-mail until portal is operational
    - [WQMPAPPLICATIONS@dep.nj.gov](mailto:WQMPAPPLICATIONS@dep.nj.gov)



# Subchapter 2

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- Continuing planning process(CPP)
  - Statewide strategy to achieve water quality standards and objectives
    - Posted at: <http://www.nj.gov/dep/wrm/docs/cpp.pdf>
    - A separate Statewide WQMP no longer exists
- Identifies 12 areawide WQMPs and designated planning agencies
  - DPA approved procedures posted on web at <http://www.nj.gov/dep/wqmp/guidance.html>





# Subchapter 2

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- Roll of Department
  - Providing Existing Flow Data from DMRs on Web
  - Providing inventory of wastewater treatment facilities on Web
    - This information to be posted soon and will be announced on our ListServ when available



# Subchapter 2

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- Roll of:
  - DPAs
  - WMP agencies
  - County Boards of Chosen Freeholders or County Executive
  - Sewerage authorities, Municipal authorities and municipalities





# Subchapter 2

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- Alternative assignment of WMP responsibility
  - County to municipality
- Coordination of planning activities with regional planning entities
  - Pinelands
  - Highlands
  - DRBC
  - Hackensack Meadowlands
  - State Development and Redevelopment Plan



# Subchapter 3

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- Consistency Assessments replace Consistency Determinations
- N.J.A.C. 7:15-3.2(b). The Department shall determine if a project or activity is located within an area eligible for sewer service as part of the Department's review of a permit application. There is a rebuttable presumption that a project or activity that generates wastewater that is proposed to be conveyed to a New Jersey Pollutant Discharge Elimination System (NJPDDES) regulated wastewater facility is consistent with the areawide plan if it is within the sewer service area of the adopted areawide plan.





# Subchapter 3

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- Consistency Assessments only check to see if a project or activity seeking a Department permit will require centralized sewer service and if so, is the project site located in a sewer service area, except in the Highlands preservation area where WQMP consistency determination requirements were not changed.
- New wastewater facilities must not be in conflict with other areawide plan requirements



# Subchapter 3

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- **Some exceptions** – At N.J.A.C. 7:15-3.2(f), the Department identifies projects that it deems to be consistent with an adopted sewer service area without review:
  - Remedial actions and clean ups
  - Interim construction, expansion of, or connection to other TW
  - Expansions or improvements to TW to reduce or eliminate CSOs





# Subchapter 3

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- **Some exceptions cont.**
  - Emergency activities
  - Activities not requiring treatment works approval
  - Residuals (sludge related activities)
  - Industrial treatment works that only treat wastewater generated from on-site activities, except that these discharges shall comply with any wasteload allocation established in an adopted TMDL



# Subchapter 3

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- **Some Exceptions cont.**
  - A permanent holding tank
  - Discharges to ground water of non-contact cooling water or discharges to ground water of filter backwash water from potable water treatment plants
  - General permit authorizations for an approved general permit issued pursuant to N.J.A.C. 7:14A-6.13, with the exception of new or expanded school(s) that require an expansion of the existing sewer service area.





# Subchapter 3

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- Water Quality Management Plan Modifications
  - Revisions
  - Amendments
    - Regional
      - WMPs
      - TMDLs
    - Site Specific
      - Large or Small



# Subchapter 3

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- Two types of site specific amendment categories
  - Large (100 acres+ **or** > 20,000 gpd)
  - Small (<100 acres **and** < 20,000 gpd)
- A Specific Project is required for all site specific amendments





# Subchapter 3

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- Five types of Revisions
  - Corrections
    - To clarify erroneous or unclear information provided the change is not substantive
  - Pinelands Management Area map change
    - Must be submitted by Pinelands Commission
    - Redesignation must be approved by Commission
    - Public notification must include reference to sewer service area modification



# Subchapter 3

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- Revisions cont.
  - Highlands Regional Master Plan change for the following:
    - Highlands RMP map adjustment
    - Highlands center
    - Highlands redevelopment area designated by the Council in a Highlands Planning area conforming municipality
  - Redesignation must be approved by Commission
  - Public notification must include reference to sewer service area modification





# Subchapter 3

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- Revisions cont.
  - Transfer or assign WMP responsibility
    - Must include a submission schedule
  - Revise WMP submission schedule
    - Must include justification for alternative submittal schedule
    - DEP will consider activity level of WMP agency
- Relevant agencies are given 21 days to comment after DEP review
- All adopted Revisions are posted on website at <http://www.nj.gov/dep/wqmp/wmpadopted.html>



# Subchapter 3

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- Large Site Specific Amendments
  - The applicant is required to initiate a public notification process to alert property owners who will experience a change in their wastewater service area designation
  - The wastewater treatment capacity analysis for the applicable wastewater treatment facility must be updated to include the proposed project





# Subchapter 3

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- Requirements for all site specific amendments
  - Request for project consistency to local and/or County Zoning and Master Plan
  - Consult with all relevant entities prior to application
  - Submit any application in Pinelands/Highlands to applicable agency
  - Review of environmentally constrained areas and evaluate whether parcels outside the SSA can be included in the SSA
  - Wastewater flow capacity analysis (for site only if small)



# Subchapter 3

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- No longer required for amendments
  - No WMP necessary for any size site specific amendment
  - No review for steep slopes, stormwater management plans, riparian analysis for non-Category 1 waterways, water supply
  - Preliminary notices no longer published in newspaper, instead the notices are posted on OWRMC website and a notification is sent via ListServ





# Subchapter 4

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- Wastewater Management Plans
  - WMPs not completed under prior rule are due May 7, 2018
  - A new WMP is due every 10 years
  - Department retains authority to develop WMP in areas where responsible WMP agency does not submit WMP



# Subchapter 4

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- Complete WMP document is not required to submit
  - By Component
  - By Municipality





# Subchapter 4

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- Wastewater Management Plan Components
  - Wastewater Management Plan Text
    - Title page, TOC, summary of actions proposed, wastewater facilities tables, summary of analyses and strategies, etc.
  - Wastewater Treatment Capacity Analysis
  - Nitrate Dilution Analysis
  - Septic Management Plans
  - Strategies to Address the Potential Capacity Deficiencies
  - Mapping



# Subchapter 4

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## Components continued

### Maps

- WMP Area
- Selected Environmentally Sensitive Features
- Wastewater Service Area
- Zoning
- Optional Other





# Subchapter 4

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- Wastewater Treatment Capacity Analysis
  - WMP agency still required to conduct a wastewater capacity analysis and determine future wastewater needs
    - Highest consecutive 12 month rolling average over the most recent five-year period
    - Urbanized municipalities multiply population increase projected within 20-year planning horizon using 75 gpd per capita and any know non-residential flows
    - Non-urbanized municipalities use zoning to estimate build out



# Subchapter 4

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- Nitrate Dilution Analysis
  - Rule still requires comprehensive build-out analysis based on current zoning to identify potential issues in meeting ground water antidegradation nitrate target of 2 mg/L on a regional basis
  - Rules no longer require downzoning as response to analysis concluding insufficient nitrate dilution capacity to achieve ground water target
  - Rules do not require that the solution to insufficient dilution capacity be resolved before a WMP can be adopted





# Subchapter 4

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- Septic Management Plan requirements
  - Inventory
  - What are you doing now?
  - What will you do to enhance what is already being done?



# Subchapter 4

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- Gaps in Treatment Capacity
  - WMP agency still required to conduct a wastewater capacity analysis and determine future wastewater needs
  - WMP agency **not** required to demonstrate that any identified deficiency between existing capacity and future wastewater needs has been resolved before WMP can be adopted





# Subchapter 4

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- Areas eligible for sewer service
  - Pinelands Area – Regional Growth Area, Pinelands Towns, Pinelands Villages, substantially developed portions of a Military and Federal Installation Area, and any other area approved by the Commission where the DEP concurs
  - Highlands Region
    - Preservation area connected August 10, 2004, exempt from Highlands Act or received HPAA
    - Planning area for conforming municipalities within RMP as Existing Community Zone, Lake Community Sub-Zone, or highlands redevelopment area or Highlands centers



# Subchapter 4

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- Areas not eligible for sewer service
  - The following ESAs: Endangered, Threatened or Other Priority Wildlife Rank 3, 4 or 5 on Landscape Maps; Natural Heritage Priority Sites; Category One waters and their corresponding 300 foot riparian zone; wetlands
  - Coastal Fringe Planning Area, Coastal Rural Planning Area, Coastal Environmentally Sensitive Planning Area
  - ESAs in 201 Facilities Plans with grant limitations





# Subchapter 4

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- Flexibility in SSA-CAFRA
- Allows inclusion of portions of identified Coastal Planning Areas in sewer service area where necessary
  - To address imminent public health and safety issues
  - To accommodate infill development
  - To remove undulations to achieve a manageable SSA



# Subchapter 4

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- Flexibility with SSA-ESAs (HSD)
- Rebut ESA environmental data
  - Using an updated version of DEP Landscape map showing land is no longer mapped as suitable
  - Through an HSD showing T&E habitat is not suitable, or does not support the natural resources element
  - Through an LOI
  - Any other data showing DEP's GIS data is inaccurate





# Subchapter 4

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- Flexibility in SSA – ESAs (HIA)
- When DEP approves Habitat Impact Assessment that
  - Avoids T&E habitat
  - Result in insignificant/discountable effects
  - If neither of the above, implements conservation measures that
    - Minimize (to the maximum extent practical) adverse impacts of suitable habitat; and
    - Will mitigate any such adverse modification that provides for no net loss of habitat value to the local population of T&E species.
    - Note: for agriculturally dependent species– option for mitigation that is managed by a third party



# Subchapter 4

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- Flexibility in SSA – ESAs (NHPS)
- NHPS may be included in ESA only if:
  - Avoids NHPS
  - Does not adversely impact natural resource element occurring within the NHPS
- Avoidance/No Adverse Impact is document by:
  - Habitat Suitability Determination, or
  - Habitat Impact Assessment





# Subchapter 4

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- Flexibility with SSA-ESAs
- To include ESAs (except for NHPS), the area must meet one of the following conditions
  - Identified for growth in an endorsed plan approved by SPC
  - In Planning Area 1
  - To accommodate infill/remove undulations
- The area cannot be critical to the survival of a local population of T&E species
- ESA included in SSA remain subject to permitting requirements



# Subchapter 5

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- 303(d) Water Quality Limited Waters Lists and TMDLs
  - Updated document names
  - Updated EPA guidance documents referenced
  - 303(d) Lists are stand alone documents referenced in the CPP and no longer amend the Statewide WQMP
  - TMDLs remain amendments to areawide WQMPs





# Subchapter 6

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- Watershed Management Grants
  - Process required under Watershed Protection and Management Act of 1997
  - Subchapter not substantively changed from previous version of rule
  - No funding has been authorized



# Contact

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