

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION
DIVISION OF COASTAL AND LAND USE PLANNING

Adopted Amendment to the Northeast, Upper Delaware, and Upper Raritan Water Quality Management Plans

Public Notice

Take notice that on **JAN 30 2014**, 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 (N.J.A.C. 7:15-3.4), an amendment to the Northeast WQM Plan, Upper Delaware WQM Plan, and Upper Raritan WQM Plan was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of the Board of Chosen Freeholders of Morris County as the responsible Wastewater Management Planning Agency, adopts a County-wide Wastewater Management Plan (WMP) for Morris County that includes a Chatham Township chapter. This amendment is only of the Morris County WMP for that portion of Morris County within the Northeast WQM planning area, the Upper Delaware WQM planning area, and the Upper Raritan WQM planning area (all of Morris County with the exception of those portions of Jefferson Township, Mount Arlington Borough, Mount Olive Township, and Netcong Borough that are located in the Sussex County WQM planning area).

This WMP replaces all previously adopted municipal and municipal utility authority WMPs in Morris County with the exception of those portions of Jefferson Township, Mount Arlington Borough, Mount Olive Township, and Netcong Borough that are located in the Sussex County WQM planning area, and with the exception of Florham Park Borough, which has an adopted municipal WMP that remains in effect, and which is adopted by reference as the appropriate municipal chapter in the Morris County WMP. The Florham Park Borough WMP addresses Florham Park Borough and parts of East Hanover Township, Hanover Township, and Morris

Township. This adopted WMP will be updated as individual municipal chapters are completed and proposed as separate amendments to the applicable WQM Plan(s). Pursuant to the WQM Planning rules at N.J.A.C. 7:15-5.3(g), a wastewater management planning agency may submit a WMP that covers only a portion of the wastewater management planning area provided that the submitted WMP addresses an entire municipality. Further, pursuant to the WQM Planning rules at N.J.A.C. 7:15-5.14, independent municipal chapters within a county-wide WMP may be adopted independent of other chapters.

Notice of this amendment proposal was published in the New Jersey Register on December 2, 2013 at 45 N.J.R. 2504(a). Comments on this amendment received during the public comment period are summarized below with the Department's responses.

The WMP complies with the WQM planning rules at N.J.A.C. 7:15-5.15 to 5.20 and identifies areas to be served by sewage treatment facilities/sewer systems as well as areas to be served by septic systems with design flows of equal to or less than 2,000 gallons per day. The WMP provides a county-wide narrative addressing current wastewater and water supply service, environmental and other land features, and existing infrastructure in Morris County. However, the WMP addresses future wastewater service capacity, water supply availability, and non-point sources of pollution in detail only for Chatham Township.

Pursuant to the provisions of the New Jersey Water Quality Planning Act, the Statewide WQM Planning rules, and P.L. 2011, c. 203, the Department adopted the Morris County Future Wastewater Service Area (FWSA) Map for the Northeast WQM Plan, Upper Delaware WQM Plan, and Upper Raritan WQM Plan on April 25, 2013. See 45 N.J.R. 1259(a). The FWSA Map identifies areas to be served by sewage treatment facilities/sewer systems as well as areas to be served by septic systems with design flows of equal to or less than 2,000 gallons per day. The adopted map modified previously approved SSA to exclude environmentally sensitive areas that were not connected to sewer systems at the time of adoption of the FWSA Map. Additionally, the map removed areas from SSA based on local planning initiatives, and also included areas previously excluded from SSA based on local planning objectives. The FWSA Map only modified the wastewater service area mapping portions of the WQM plans. No modifications to

the currently adopted future wastewater service areas have been made upon adoption of this amendment.

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 proposed wastewater service area, on a hydrologic unit code (HUC) 11 basis in Chatham Township. The existing and future wastewater treatment needs of each SSA associated with each specific wastewater treatment facility identified in Chatham Township were evaluated. The build-out analysis was performed to project wastewater flow for either undeveloped or underdeveloped parcels within the existing and future SSA. Environmentally constrained areas have been excluded for purposes of projecting wastewater flow, and include wetlands, floodways, and stream corridors. Wastewater flow projections are calculated based upon the current municipal zoning and included 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 Chatham 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.

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 Chatham Township. The existing wastewater flow for each wastewater treatment was calculated based on the average of the monthly metered flow over the 12-month period ending April 30, 2013, as reported to the Department in the Discharge Monitoring Reports (DMRs) received from all wastewater treatment plants. The existing wastewater flow volumes 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 Chatham Township and 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 facility in Chatham Township.

There are significant actions included in the amendment relating to the Township of Chatham wastewater treatment plant at Tanglewood Lane (Chatham Main) (NJ0020290) and Chatham Glen (NJ0052256) wastewater treatment facilities. The Chatham Main plant discharges into an unnamed tributary to Black Brook, a tributary to the Passaic River. The Chatham Main plant is unable to comply with their Total Dissolved Solids (TDS) effluent limitations in the existing New Jersey Pollutant Discharge Elimination System (NJPDES) permit. As such, an Administrative Consent Order (ACO) between the Department and the Township of Chatham dated June 26, 2003, was agreed upon to grant temporary relief and explore alternatives to achieve compliance with the TDS effluent limitation.

The Chatham Glen treatment plant, which is regulated under discharge to surface water permit No. NJ0052256 and currently discharges into the main stem of the Passaic River, is in need of substantial maintenance. In order to address the non-compliance issues related to TDS at the Chatham Main plant and the maintenance issues related to the Chatham Glen plant, the Township of Chatham is planning to route the untreated wastewater from the Chatham Glen plant to the Chatham Main plant. The wastewater will be commingled and treated at the Chatham Main plant and discharged to a new location in the main stem of the Passaic River near the current Chatham Glen outfall which will address the TDS issue. The discharge point will be downstream from the location where Black Brook enters the Passaic River. Upon relocation of the outfall pipe to discharge treated combined wastewater from these two facilities, the NJPDES permit for Chatham Glen will no longer be required and will be terminated.

In accordance with N.J.A.C. 7:15-5.25(e), the future wastewater treatment needs were evaluated for those areas outside of SSA that are to be served by septic systems by determining 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 11 basis. 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 11 watershed basis. It is, therefore, necessary to determine how much development relying on ground water disposal of wastewater can be supported within a HUC 11 watershed basis 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 amended 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. The analysis performed by Morris County for Chatham Township only addressed that portion of Chatham Township within the HUC 11. That analysis determined that, under current municipal zoning regulations, potential development densities will result in attainment of 2.0 mg/L nitrate in ground water on a HUC 11 watershed basis. In accordance with N.J.A.C. 7:15-5.25(e)3, to demonstrate that areas to be served by ISSDSs are subject to a maintenance program, Chatham Township has adopted a Septic System Maintenance ordinance.

In accordance with N.J.A.C. 7:15-5.25(f), the water supply needs associated with the environmental build-out performed at N.J.A.C. 7:15-5.25(c) for Chatham 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), which was last adopted in August 1996. The analysis performed by Morris County for Chatham Township demonstrates that the existing water allocation permit(s) for the water supply purveyors within Chatham Township meet existing use and could serve future build-out as projected for Chatham 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 Chatham 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, Chatham 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, Chatham 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, Chatham 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 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 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 amendment.

Comments on this amendment were received from Michael Wynne, the Executive Director of the Hanover Sewerage Authority. A summary of the comments and the Department's responses follows.

1. Comment: The commenter requests an extension of the public comment period because a significant portion of the comment period fell over the Christmas and New Year's holidays.

Response: The WQM Planning rules at N.J.A.C. 7:15-3.4 require that the Department issue a public notice of a proposed areawide WQM plan amendment and provide interested persons the opportunity to submit written comments on the amendment to the Department within 30 days of the date of public notice. This amendment proposal was published in the New Jersey Register on December 2, 2013, and the 30 day public comment period ended on January 2, 2014, because January 1, 2014, was a state holiday. The WQM Planning rules at N.J.A.C. 7:15-3.4 authorize the Department to reopen or extend the public comment period to the extent that an extension

appears necessary, or if any data, information, or arguments submitted during the public comment period appear to raise substantial new questions concerning a proposed plan amendment. No substantial new questions concerning the amendment were raised regarding this amendment and the Department has determined that an extension of the public comment period is not necessary to accommodate the two holidays that fell within the comment period.

2. Comment: The commenter requests an extension of the public comment period on the basis that a November 22, 2013, letter from Morris County requesting consent to the proposed amendment by the Authority within 60 days implied that the comment period would be 60 days rather than 30 days.

Response: The WQM Planning rules at N.J.A.C. 7:15-3.4 require that the applicant, in this case the Morris County Board of Chosen Freeholders, request a written statement of consent for the proposed amendment from governmental entities, sewerage agencies, and BPU-regulated sewer and water utilities that may be affected by, or otherwise have a substantial interest in, approval of the proposed amendment. Morris County's letter to the commenter, who represents such an entity, explained that as an affected entity the Authority had the opportunity to issue a statement of consent from the sewerage authority's governmental unit in the form of a resolution by that unit's governing body within 60 days of receipt of the letter. That 60 day consent period would have ended 60 days after the commenter received the County's letter, a date unspecified by the commenter. Therefore, the commenter had the opportunity to comment within the 30-day public comment period and to provide a statement of consent within the 60-day consent period. The Department has determined that it is not necessary to extend the public comment period on the Morris County WMP on the basis that the commenter was provided both a 30-day public comment period and a 60-day consent period.

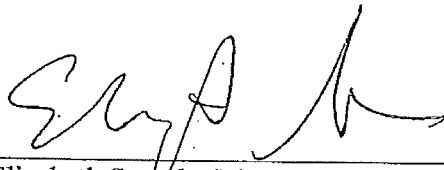
3. Comment: The commenter notes that the narrative included in the amendment identifies how the future wastewater flows are calculated. The commenter expresses concern that based upon that language and the manner in which it has been applied in other counties, the permitted capacity of existing permitted treatment plants will be reduced.

Response: The methodology for calculating future wastewater flows included in the amendment is consistent with the requirements of the WQM Planning rules at N.J.A.C. 7:15-5.25(c). The WMP does not propose to reduce the permitted capacity of existing permitted treatment plants in Morris County.

4. Comment: The commenter submitted general comments on the Morris County FWSA Map, which the commenter also submitted during the public comment period for the FWSA Map prior to its adoption on April 25, 2013.

Response: The Department's responses to these comments were provided in the notice of adoption of the Morris County FWSA Map, published in the New Jersey Register on May 20, 2013, at 45 N.J.R. 1253(a). Please refer to responses to comments 15, 17, 21, and 23 through 26.

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.



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Department of Environmental Protection

1/30/14

Date