

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

DIVISION OF COASTAL AND LAND USE PLANNING

Adopted Amendments to the Tri-County Water Quality Management Plan

Public Notice

Take notice that on **JUN 18 2013**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-A-1 et seq., the Statewide Water Quality Management (WQM) Planning rules (N.J.A.C. 7:15-3.4), and P.L. 2011, c. 203, the Department of Environmental Protection (Department) adopted an amendment to the Tri-County WQM Plan. This amendment, submitted on behalf of the Camden County Board of Chosen Freeholders as the responsible wastewater management planning agency, adopts a Future Wastewater Service Area (FWSA) map for Camden County. Notice of the Department's proposal of this amendment was published in the New Jersey Register on April 16, 2012, at 44 N.J.R. 1287(b). A notice of proposed correction to the proposed amendment was published in the New Jersey Register on January 22, 2013, at 45 N.J.R. 134(b).

The adopted amendment was prepared pursuant to P.L. 2011, c. 203, enacted on January 17, 2012, which permits the wastewater management planning agency to prepare and submit to the Department at least that portion of a wastewater management plan (WMP) designating sewer service area (SSA), which shall comply with the Department's regulatory criteria. The adopted map, titled "Future Wastewater Service Areas (FWSA), Camden County New Jersey," supersedes all wastewater service area mapping currently contained in the Tri-County WQM Plan for areas within Camden County, including that which was adopted into the Tri-County WQM Plan as part of approved WMPs.

The adopted 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 2,000 gallons per day or less. The adopted map modifies the previously approved SSA to exclude environmentally sensitive areas (ESAs) that are not currently connected to the sewer systems. Additionally, the map removes areas from sewer service based on local planning initiatives, and also includes areas previously excluded from SSA based on local planning objectives. This amendment only modifies the wastewater service area mapping portions of the above referenced WQM Plan.

Pursuant to P.L. 2011, c. 203, 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 WQM Planning rules (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. Additional issues which may need to be addressed for any new or expanded wastewater treatment facility proposal include, but are not limited to, compliance with stormwater regulations, antidegradation, effluent limitations, water quality analysis, and exact locations and designs of future treatment works. Additionally, sewer service to any particular project is subject to contractual allocations between municipalities, authorities and/or private parties and is not guaranteed by this amendment. Finally, P.L. 2011, c. 203, expires on January 17, 2014, and the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and implementing regulations require that full county-wide WMP updates be completed pursuant to the requirements set forth in N.J.A.C. 7:15.

The Department and Camden County have held numerous meetings with the public, municipal officials, and affected agencies over the past four years. Further, in accordance with Administrative Order No. 2010-03 (AO #2010-3) signed by Commissioner Martin, a public meeting was held on April 5, 2011, to allow public review and comment on the then-current draft of the Camden County SSA. As a result, the Department and the County have received continuous input from residents, municipal officials, and other affected agencies regarding mapping corrections and other issues.

In accordance with N.J.A.C. 7:15-5.24, ESAs have been assessed to determine what areas must be excluded from the adopted SSAs. Pursuant to N.J.A.C. 7:15-5.24(b), ESAs are described 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, Category One special water resource protection areas, and wetlands, alone or in combination. These ESAs are not included in the SSA except as noted below.

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine areas designated as threatened or endangered wildlife species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, version 2.1 (Landscape Project). Areas identified by the Landscape Project as being suitable habitat for threatened and endangered wildlife species are not included in the adopted SSA except as provided under N.J.A.C. 7:15-5.24(e) through (h).

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not included in the adopted SSA, except as provided under N.J.A.C. 7:15-5.24(e) through (h).

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along Category One waters and their tributaries are not included in the adopted SSA, except as provided under N.J.A.C. 7:15-5.24(e) through (h). Pursuant to N.J.A.C. 7:8-5.5(h), a 300-foot buffer is applied to both sides of a stream measured from the top of bank of an intermittent or perennial stream, or centerline if the bank is not defined, and from the defined edge of a lake, pond or reservoir at bank—full flow or level. Category One waters and their tributaries are afforded a 300-foot buffer. In addition, as required under N.J.A.C. 7:15-5.20(b)3, the adopted FWSA map text indicates that development in riparian zones, or designated river areas, may be subject to special regulation under Federal or State statutes or rules. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act rules (N.J.A.C. 7:13), the Highlands Water Protection and Planning Act rules

(N.J.A.C. 7:38), the Stormwater Management rules (N.J.A.C. 7:8), and the WQM Planning rules (N.J.A.C. 7:15). Most development within these riparian zones is regulated by these programs.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not included in the adopted SSA, except as provided under N.J.A.C. 7:15-5.24(e) through (h).

Pursuant to N.J.A.C. 7:15-5.24(c), certain coastal planning areas must also be excluded from SSA where applicable. There are no Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Areas in Camden County.

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 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, except as provided under N.J.A.C. 7:15-5.24(f)1. Where a narrative approach has been used, it is noted as text on the adopted FWSA map. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) which provide for restriction of sewer service to ESAs, are unaffected by adoption of this amendment, and compliance is required.

In addition to the ESAs with Federal 201 grant limitations that prohibit the extension of sewers identified under N.J.A.C. 7:15-5.24(d)1, there are other special restricted areas, not applicable here, which must also be excluded from SSA pursuant to N.J.A.C. 7:15-5.24(d)2 through 4. Specifically, there are no beaches, coastal high hazard areas, or dunes in Camden County.

As provided under N.J.A.C. 7:15-5.24(e) through (h), limited ESAs have been included in SSA. Where applicable, Department permits or jurisdictional determinations have been utilized to determine the extent of the SSA on individual lots.

In recognition of the nature and scope of the New Jersey Pinelands Commission's (Commission) regulation and oversight of land use and development within the Pinelands Area, and for

purposes of implementing the Department's WQM Planning rules at N.J.A.C. 7:15, a Memorandum of Understanding (MOU) between the Department and the Commission has been executed in which the Department recognizes the management area designations and boundaries established by the Commission for lands located within the Pinelands Area. The MOU provides that all lands located within a Pinelands Village, Pinelands Town, Regional Growth Area, substantially developed portions of a Military and Federal Installation Area, and any other area designated by the Commission for the development of centralized waste water treatment and collection facilities pursuant to either N.J.A.C. 7:50-6.84(a)2 to address a public health problem or a memorandum of agreement pursuant to N.J.A.C. 7:50-4.52(c) of the Comprehensive Master Plan (CMP), as specified in geographic information system (GIS) coverage provided by the Pinelands Commission, shall be deemed to be within a SSA. Such areas included in SSA pursuant to the MOU may include ESAs as described in N.J.A.C. 7:15-5.24(b). Pursuant to the MOU, the Department has not excluded ESAs delineated at N.J.A.C. 7:15-5.24(b) within a Pinelands Village, Pinelands Town, Regional Growth Area, or substantially developed portions of a Military and Federal Installation Area, from SSA on the adopted map.

In accordance with N.J.A.C. 7:15-3.7, the Department solicited comments from the Pinelands Commission on the proposed amendment within the Pinelands Area and Pinelands National Reserve for consistency with the intent and programs of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., and section 502 of the National Parks and Recreation Act of 1978, 16 U.S.C. 471i. Based on coordination with the Commission, it has been determined that the proposed FWSA map is consistent with the Pinelands CMP.

Notice of the Department's proposal of this amendment was published in the New Jersey Register on April 16, 2012, at 44 N.J.R. 1287(b). A public hearing was held on June 20, 2012, at the Camden County Municipal Utilities Authority Auditorium, Camden, New Jersey, and the comment period closed on July 5, 2012. On January 22, 2013, a notice of proposed correction to the proposed amendment was published in the New Jersey Register on January 22, 2013, at 45 N.J.R. 134(b). The notice of proposed correction to the amendment extended the public comment period an additional 30 days to allow for comment on the proposed correction. The comment period for the proposed correction closed on February 21, 2013.

The following individuals provided comments on this amendment during the public comment period:

Number – Commenter Name – Affiliation

1. John D’Anastasio, D’Anastasio Corp.
2. CherylLynn Walters, Solicitor, Township of Winslow, NJ
3. George Hahn, Remington and Vernick Engineers, Inc.
4. Richard Hluchan, representing the Pine Valley Golf Course, Pine Valley, NJ
5. Andrew Hogg, Land Dimensions Engineering, Inc.
6. Brian Murphy, FWH Associates, P.A., on behalf of Amboy Bank, Winslow Township, NJ
7. Brian Murphy, New Jersey Builders Association
8. Bob Danzeisen, Bob Danzeisen, Inc. d/b/a Danzeisen & Quigley, Cherry Hill, NJ
9. Timothy J. Touhey, New Jersey Builders Association

As noted below in response to specific comments requesting to include or exclude SSA, which was not reflected in the proposed amendment and was found to be a substantial change, the requested changes are not adopted herein. Substantial changes include those changes to the proposed amendment which the Department has determined would enlarge or curtail who and what will be affected by the proposed amendment, change what is being prescribed, proscribed, or otherwise mandated by the proposed amendment, or enlarge or curtail the scope of the proposed amendment and its burden on those affected by it. Thus, changes which would enlarge or curtail which properties would be affected by the adopted FWSA map and/or the way in which properties would be affected by the adopted FWSA map would be considered substantial. Making such substantial changes on adoption would effectively destroy the value of the public notice and, thus, a new notice and public comment period are required prior to consideration of such changes pursuant to the process set forth in N.J.A.C. 7:15-3.4.

Any party may submit an application to the Department for a site specific amendment or revision, as applicable, to a WQM plan to include or exclude additional areas and/or facilities in accordance with N.J.A.C. 7:15 and P.L. 2011, c. 203, as applicable.

A summary of the comments and the Department’s responses follows. The number(s) in parentheses after each comment identifies the respective commenter listed above. As mentioned above, the Department has determined in response to certain comments below that the requested

inclusion in SSA of properties that were proposed to be excluded from SSA cannot be accommodated because doing so would be a substantial change on adoption that would effectively destroy the value of the public notice and require a new notice and public comment period pursuant to the process set forth in N.J.A.C. 7:15-3.4. However, to accommodate these requests in instances where the exclusion of the properties from SSA was inadvertent or proposed when the properties can be included in SSA pursuant to the WQM Planning rules, the Department will be proposing an amendment to the adopted FWSA map, pursuant to N.J.A.C. 7:15-3.4(a), to include those areas in SSA.

1. Comment: The commenter requests that Block 7, Lot 2.04, in the Borough of Magnolia, consisting of 12.56 acres be included in the SSA in the Camden County FWSA map. The commenter asserts that he, as the equitable property owner, had obtained all of the requisite land use approvals from the Borough of Magnolia and had received a Letter of Interpretation from the Department to address the wetlands. Additionally, the commenter asserts that, in April 2012, the Camden County Municipal Utilities Authority (CCMUA) submitted a waiver request to the United States Environmental Protection Agency (USEPA) on his behalf. The commenter further asserts that prior discussions with the Department provided assurance of the property's likely inclusion within the FWSA map. (1)

Response: The Department agrees with the commenter that all of the requisite information has been obtained and was subsequently provided to the Department. However, Block 7, Lot 2.04, in the Borough of Magnolia was inadvertently excluded from the SSA. The Department has determined that making a modification to the FWSA map to include the tax parcel on adoption would constitute a substantial change and would impermissibly circumvent the WQM Plan amendment procedures at N.J.A.C. 7:15-3.4(g), including the public review process. Therefore, the requested modification has not been made. However, as mentioned above, to accommodate the requests to include properties in SSA in instances where the exclusion of the properties from SSA was inadvertent or proposed when the properties can be included in SSA pursuant to the WQM Planning rules, the Department will be proposing an amendment to the adopted FWSA map, pursuant to N.J.A.C. 7:15-3.4(a), to include those areas in SSA. Furthermore, any party may submit an application to the Department for a site specific amendment or revision, as

applicable, to a WQM plan to include or exclude additional areas and/or facilities in accordance with N.J.A.C. 7:15 and P.L. 2011, c. 203, as applicable.

2. Comment: The commenter references a June 15, 2012, correspondence from Remington and Vernick Engineers to the Department, which was a follow up to Winslow Township's comments to the Department, which requested that numerous tax parcels and specific portions thereof be included within the FWSA due to their not exhibiting any of the environmental constraints as described in the WQM Planning rules at N.J.A.C. 7:15-5.24. The tax parcels in question are Block 2801, Lots 1, 2, 3, & 5 (Winslow Court Homes); Block 3003, Lot 1 (Summer Lea/Williamstown Road); Block 2101, Lots 36-40 (Moorland Farms); and Block 1302, Lots 1, 4, 5, & 7, and Block 604, Lot 6 (Four Maples). (2)

Response: The Department agrees that the tax parcels and the specific portions thereof referenced by the commenter are appropriate for inclusion within the SSA. However, the Department has determined that making such a modification to the FWSA map to include the aforementioned tax parcels and the specific portions thereof at this time would constitute a substantial change and would impermissibly circumvent the WQM Plan amendment procedures at N.J.A.C. 7:15-3.4(g), including the public review process. Therefore, the requested modification has not been made. However, as mentioned above, to accommodate the requests to include properties in SSA in instances where the exclusion of the properties from SSA was inadvertent or proposed when the properties can be included in SSA pursuant to the WQM Planning rules, the Department will be proposing an amendment to the adopted FWSA map, pursuant to N.J.A.C. 7:15-3.4(a), to include those areas in SSA. Furthermore, any party may submit an application to the Department for a site specific amendment or revision, as applicable, to a WQM plan to include or exclude additional areas and/or facilities in accordance with N.J.A.C. 7:15 and P.L. 2011, c. 203, as applicable.

3. Comment: The commenter requests clarification as to whether residential property within Winslow Township that is included within the boundary of the Camden County FWSA map but located on the periphery of development patterns would be required to obtain approval from the Department to construct a private septic system in place of connecting to a centralized public

sewer system. The commenter expresses that his concerns were not specific to any particular properties but based primarily on establishing a basis for cost estimates that may have to be borne by the Winslow Township taxpayers if it were necessary for properties that are currently on private septic systems to be connected to a centralized public sewer system. (3)

Response: The installation, construction, alteration, or repair of an individual subsurface sewage disposal system (ISSDS), or septic system, with an expected volume of sanitary sewage less than or equal to 2,000 gpd must be approved by the local public health department as the acting administrative authority in accordance with the Department's Standards for Individual Subsurface Sewage Disposal Systems at N.J.A.C. 7:9A. Under certain circumstances, such as when a treatment works approval is required under N.J.A.C. 7:9A-3.9, Department approval may be necessary. However, pursuant to N.J.A.C. 7:9A-1.6(e), an administrative authority shall not approve the construction or alteration of ISSDSs, or other means of private sewage disposal, where a sanitary sewer line is available within 100 feet of the property to be served. Furthermore, pursuant to N.J.A.C. 7:15-5.19(b), a WMP shall require that ISSDSs for individual residences can be constructed in depicted SSAs only if legally enforceable guarantees at the local government level are provided before such construction that use of such systems will be discontinued when the depicted sewer service becomes available. As indicated on the adopted map, this applies to ISSDS that require certification from the Department under the Realty Improvement Sewerage and Facilities Act (N.J.S.A. 58:11-23) or individual Treatment Works Approval or New Jersey Pollutant Discharge Elimination System Permits (under N.J.A.C. 7:14A). As indicated on the adopted map it also applies to ISSDS which require only local approvals if the WMP acknowledges adequate arrangements for enforcement of the requirement, such as through a municipal or sewerage authority ordinance.

4. Comment: The commenters request that the map be adjusted to reflect their ongoing discussions with the Department and the Department's agreement to update the map to include areas in the Borough of Pine Valley that still remain excluded from the FWSA map. The commenters reference a May 7, 2012, email from the Department agreeing to place a significant portion of the Borough of Pine Valley in the SSA for Camden County. (4, 5)

Response: The Department's informal May 7, 2012, email indicated that the proposed Camden County FWSA map would be amended to extend SSA in the Borough of Pine Valley to areas that could be included in SSA under the WQM Planning rules. As the Department has further discussed with representatives of Pine Valley, amending the map to extend sewer service beyond that which was proposed in Pine Valley upon adoption of the map would constitute a substantial change and would impermissibly circumvent the WQM Plan amendment procedures at N.J.A.C. 7:15-3.4(g), including the public review process. Therefore, the requested modification has not been made at this time. However, as mentioned above, to accommodate the requests to include properties in SSA in instances where the exclusion of the properties from SSA was inadvertent or proposed when the properties can be included in SSA pursuant to the WQM Planning rules, the Department will be proposing an amendment to the adopted FWSA map, pursuant to N.J.A.C. 7:15-3.4(a), to include those areas in SSA. Furthermore, any party may submit an application to the Department for a site specific amendment or revision, as applicable, to a WQM plan to include or exclude additional areas and/or facilities in accordance with N.J.A.C. 7:15 and P.L. 2011, c. 203, as applicable.

5. Comment: The commenter represents the owner of Block 1302, Lot 1, in the Township of Winslow. The property is bisected by a wetlands line. The portion of the site that has no wetlands was included in SSA on the FWSA map. The commenter requests that the entire property be placed in the SSA on the FWSA map because there are development plans for the entire property and a Letter of Interpretation (LOI) has been issued by the Department. (6)

Response: The Department agrees with the commenter that the LOI appropriately addresses the wetlands boundary and delineates upland areas on the portion of Block 1302, Lot 1, in the Township of Winslow that had been excluded from the SSA. However, the final FWSA map that is presently being adopted was not adjusted to reflect the existence of developable upland areas on the aforementioned portion of the site because no prior application for its inclusion had previously been made to the Department or the CCMUA. Furthermore, the Department has determined that making such a modification to the FWSA map at this time would constitute a substantial change and would impermissibly circumvent the WQM Plan amendment procedures at N.J.A.C. 7:15-3.4(g), including the public review process. Therefore, the requested

modification has not been made at this time. However, as mentioned above, to accommodate the requests to include properties in SSA in instances where the exclusion of the properties from SSA was inadvertent or proposed when the properties can be included in SSA pursuant to the WQM Planning rules, the Department will be proposing an amendment to the adopted FWSA map, pursuant to N.J.A.C. 7:15-3.4(a), to include those areas in SSA. Furthermore, any party may submit an application to the Department for a site specific amendment or revision, as applicable, to a WQM plan to include or exclude additional areas and/or facilities in accordance with N.J.A.C. 7:15 and P.L. 2011, c. 203, as applicable.

6. Comment: The commenters state that the Camden County FWSA map is geographically poor and difficult to read/interpret. Specifically, it should include property lines and street names. (7, 9)

Response: Although the resulting adopted FWSA map does not include local street names or tax parcel lines, it does identify the names of municipalities, county roads, and major State and Federal highways. It is the Department's experience that, as displayed, this available information is sufficient for locating specific properties. The Department and Camden County sought to provide a balance of graphic and textual information to preserve the ability to adequately view the proposed FWSA boundaries, which are the focus of the FWSA map.

7. Comment: The commenters assert that the Department should make available a comparison of what areas are in the SSA and what areas are being taken out of the SSA to delineate the difference between the current SSA and the proposed SSA. (7, 9)

Response: Adding information associated with every location excluded or removed from the SSA would not be practical or desirable from a display standpoint. The mapping display is constrained by the amount of information included. Similarly, adding footnotes or other textual information associated with every location excluded or removed from the SSA would not be practical or desirable from a display standpoint. The Department notes that all of the GIS data utilized by the Department during this process is available for review and download on the Department's website (<http://www.nj.gov/dep/gis>). Further, pursuant to AO 2010-3, the

Department will provide any property owner, upon written request, an explanation of the issues preventing the inclusion of a specific site in the proposed SSA. In addition, the Department and Camden County have provided at numerous meetings, and via numerous correspondence, similar information. The Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and implementing regulations require that full county-wide WMP updates be completed pursuant to the requirements set forth in N.J.A.C. 7:15. A complete county-wide WMP is required to include mapping of all of the environmental resource criteria used as the basis for the SSA delineation. Furthermore, a qualitative comparison of the previously adopted SSA in Camden County and the proposed Camden County FWSA map could have been performed by reviewing both maps located respectively at <http://www.nj.gov/dep/gis/stateshp.html#SSA> and <http://www.nj.gov/dep/wqmp/docs/20130122camden-tricounty-map.pdf>.

8. Comment: The commenters assert that the planning process for designating SSAs has not been transparent. The commenters suggest that there should be a process of notifying each individually affected landowner (as was done in Somerset County) and not just placing a reliance on internet posting or newspaper publication. The commenters believe that public review is the only means to verify and/or correct mapping errors. (7, 9)

Response: The Department and Camden County have pursued an open and extensive public review process which has included meeting with the public, municipal officials, and affected agencies over the past four years. In accordance with AO #2010-3 signed by Commissioner Martin, a public meeting was held on April 5, 2011, to allow public review and comment on the then-current draft Camden County SSA, the notice of which was published in the New Jersey Register and the Courier-Post at least 30 days prior to the meeting. As a result, the Department and the County have received continuous input regarding mapping corrections and other issues.

As required by the WQM Planning rules, and as stated above, notice of this amendment was published in the New Jersey Register and the Courier-Post beginning a 45 day public comment period, which included a public hearing held on June 20, 2012. The Department notes that notice of every individual property impacted by this amendment is not required by the adopted WQM Planning rules. Further, any party may submit an application to the Department for a site specific

amendment or revision, as applicable, to the WQM Plan to include or exclude additional areas and/or facilities in accordance with N.J.A.C. 7:15 and P.L. 2011, c. 203, as applicable.

9. Comment: The commenters question why numerous parcels containing environmental constraints and that were municipally owned or otherwise undevelopable, such as cemeteries, have been excluded from the proposed SSA, because they are already protected areas. (7, 9)

Response: The Department recognizes that some undevelopable lands, such as detention basins, cemeteries, highway medians, rights of way, and common lands owned by homeowners associations, although not environmentally sensitive, were removed from the SSA. The Department maintains that, as no wastewater is to be generated for such sites, there is no compelling need to identify them as SSA. In fact, their inclusion in SSA gives the misrepresentation that these areas can be developed.

10. Comment: The commenters assert that nearly every golf course has been removed from the SSA in Camden County. The commenters question the sensibility of their removal and further question the prospective level of environmental sensitivity associated with golf courses, arguing that their exclusion from the SSA would lead to the loss of redevelopment and reuse potential throughout the County. The commenters recommend that the golf courses should be included within the SSA. (7, 9)

Response: The removal of SSA from certain golf courses was not conducted independently by the Department, but, rather, in consultation with Camden County and the effected municipality. In some cases, if underlying residential zoning was present on the golf course, SSA was afforded to specific privately owned parcels, currently in use as a golf course, to allow for alternative future redevelopment. However, this was done only when consistent with the local planning needs. Alternatively, on publicly owned and operated courses, as recommended by Camden County, SSA was limited to wastewater generating structures such as a club house.

11. Comment: The commenters note that the Camden County draft FWSA map is not aligned with the existing State Plan and the associated planning areas. (7, 9)

Response: Neither P.L. 2011, c. 203, nor the WQM Planning rules require alignment with the State Planning Act, N.J.S.A. 52:18A-196 et seq., the adopted State Development and Redevelopment Plan (SDRP), or its proposed replacement, the draft State Strategic Plan. However, the Department will take necessary actions to support the State Strategic Plan upon adoption and seek to integrate the SDRP, regional, and local land use plans, consistent with the WQM Planning rules. Upon adoption of the State Strategic Plan, the Department will work to establish a clear connection between Strategic Plan-identified “Investment Area” criteria and the WQM planning process. Further, the WQM Planning rules allow for the inclusion of SSA in ESAs provided it is designed to accommodate center based in certain circumstances, at N.J.A.C. 7:15-5.24(h).

12. Comment: The commenter seeks clarification as to what extent of his property located at Block 502.01, Lot 1, in the Township of Cherry Hill is included within the SSA. The specific point of reference identified by the commenter is proximity of the SSA line to Garden Avenue, which is a right-of-way that was intended to provide supplemental access to the site. (8)

Response: As reflected in the proposed FWSA map, the northern portion of Block 502.01, Lot 1, including that portion that is accessible to Garden Avenue, was excluded from SSA pursuant to N.J.A.C. 7:15-5.24 due to the presence of more than 25 acres of contiguous wetlands. Therefore, the SSA boundary does not extend to Garden Avenue. The area of the site adjacent to State Highway Route 70 is improved with retail stores that are currently located in the SSA and are served by the CCMUA. The area of the site excluded from SSA remains excluded upon adoption of this amendment pursuant to N.J.A.C. 7:15-5.24.

13. Comment: The commenter questions the Department’s reliance on GIS mapping data as a planning tool. The Department itself concurred that GIS mapping was unreliable and required extensive field verification. (9)

Response: The Department believes that the use of GIS is not only the most accessible approach for wastewater management planning agencies but is also appropriate for the scale of planning required in the WQM Planning rules at N.J.A.C. 7:15. Because GIS coverages are readily

available, have a high degree of accuracy, and can be viewed at various scales, they provide a means to simplify the wastewater management plan development process that will help ensure plans are developed, kept up to date, and serve the purpose for which they were intended. More detailed, or site by site analysis, is more appropriate for regulatory programs (that is, site plan review, or land use permitting) and is infeasible at a planning level. However, it was recognized by the Department from the beginning of the WMP development process that the Department's existing GIS data utilized to create the first draft of proposed SSA required some verification and "ground-truthing" by the WMP agencies. Accordingly, each WMP agency participating in this planning process was contacted by the Department via written correspondence that included a first draft of the proposed SSA. This correspondence noted that the SSA map provided was intended as the starting point from which the County should begin discussions with the municipalities to refine the draft SSA. Where new, more accurate information is available to local entities regarding development, wastewater management planning agencies are encouraged to use it to enhance the GIS data layers the Department provides on its website. Changes based on existing land use/construction since 2002 and approved (having obtained local and wastewater approvals) but not yet constructed projects were a particular focus of the process. In addition, numerous site-specific analyses, including Freshwater Wetlands (FWW) LOIs, HSDs, and FWW and Flood Hazard Area permits were utilized to further modify the draft SSA. As such, development of the SSA did indeed result in extensive field verification, which validates the SSA delineation included in this amendment.

14. Comment: The commenter asserts that the Department and County will be inundated with applications for site-specific amendments and revisions following adoption of the FWSA map. Additionally, the review process is "very costly, resource intensive, and unnecessarily slow." Therefore, the commenter strongly urges the Department and county to abide by the timeframes and review process set forth in Section 6-8 of the 2012 water quality management planning law.

(9)

Response: The Department fully intends to adhere to the specific review timeframes as required by law.

15. Comment: The commenter asserts that areas currently served by septic systems that were designed and constructed prior to 1989 should be included in SSA. (9)

Response: The decision to include parcels currently served by septic systems within the SSA is based on local planning objectives of the individual municipality, prioritizing existing failing systems, the availability of sewer infrastructure, if any, upon agreement from the managing sewerage or municipal utilities authorities, regardless of the timeframe it was installed, and a demonstration that the expanded service area does not create a significantly new pattern of sewer development such that a significant potential or incentive is created for additional revisions or amendments to open new areas to sewer development.

16. Comment: The commenter asserts that the "Notes" on the FWSA map are not in a legible font and that they should be made available online and at the public hearings. (9)

Response: The Department recognizes the need to scale all notes, legends, graphics and miscellaneous text on the FWSA map(s) in an appropriate format to permit the best possible presentation of the information pertinent to the FWSA. The Camden County FWSA map can be reviewed online at <http://www.nj.gov/dep/wqmp/docs/20130122camden-tricounty-map.pdf>, where it has been saved in a pdf format. This format provides for a review of the map at an expanded scale if necessary.

17. Comment: The commenter encouraged the Department to extend the submission deadline of public comments following the June 20, 2012, public hearing to 15 working days after the public hearing, rather than 15 calendar days. (9)

Response: The WQM Planning rules at N.J.A.C. 7:15 provide for various opportunities for public engagement and comment. The Department and Camden County have pursued an open and extensive public review process beyond the minimal requirements of the WQM Planning rules. The Department and Camden County have held numerous meetings with the public, municipal officials, and affected agencies over the past four years. Further, in accordance with AO #2010-3 signed by Commissioner Martin, a public meeting was held on April 5, 2011, to

allow public review and comment on the then-current draft of the Camden County SSA. As a result, the Department and the County have received continuous input from residents, municipal officials, and other affected agencies regarding mapping corrections and other issues.

Furthermore, public notices issued by the Department, which require public comment periods, are issued pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the WQM Planning rules at N.J.A.C. 7:15-3.4(g) that refer to the specified public comment period only as “days.” “Days” are calendar days only, unless specifically noted otherwise in statute or regulation.

18. Comment: The commenter asserts that land use planning decisions and local objectives should drive where we want to grow. Specifically the commenter objected to the removal of waterfront undeveloped areas in the City of Camden and on Petty’s Island. (9)

Response: The WQM Planning rules at N.J.A.C. 7:15-5.24 direct wastewater management planning agencies to consider local planning objectives in the delineation of land in SSA. The rules specify that nothing in N.J.A.C. 7:15-5.24 shall preclude the wastewater management planning agency from excluding additional areas from sewer service based on local planning objectives, thus providing that, though areas must be excluded from SSA pursuant to the criteria set forth at N.J.A.C. 7:15-5.24, areas that do not meet that criteria may also be excluded on the basis of local planning objectives. In assessing whether undeveloped waterfront areas in the City of Camden and Petty’s Island should be excluded from SSA, both local planning objectives and the criteria set forth N.J.A.C. 7:15-5.24 regarding ESAs were considered. Furthermore, the CCMUA’s position, consistent with the Camden County WMP and its own long standing policy, is that it will not provide sewer service to any properties constrained by environmentally sensitive areas, like wetlands, without Department and USEPA approvals including, but not limited to, all required wetlands approvals and a USEPA grant waiver approval.

19. Comment: The commenter asserts that some landfills are proposed for removal from the SSA and as such the commenter questions the regulatory justification to do so. The commenter

additionally states that he is not aware of any threatened and endangered species value in those areas, or any water quality concerns. (9)

Response: No specific site reference(s) have been provided by the commenter for the Department's response, therefore a specific response cannot be given. As discussed above, pursuant to the WQM Planning rules, areas have been excluded from SSA on the adopted map based on their identification as ESAs or based on local planning initiatives. However, any party may submit an application to the Department for a site specific amendment or revision, as applicable, to a WQM Plan for consideration on whether or not to either include or exclude additional areas and/or facilities in accordance with N.J.A.C. 7:15 and P.L. 2011, c. 203, as applicable.

In addition to the specific comments addressed above, the Township of Gloucester, in a letter dated June 6, 2012, submitted a Denial of Consent to the Proposed WQM Plan Amendment. The Township opposed the exclusion of Block 14003, Lot 16, from the future SSA as depicted on the FWSA map and has petitioned for a revision of the FWSA map to include Block 14003, Lot 16. The Department excluded this property pursuant to N.J.A.C. 7:15-5.24 because it is situated within the Toms Branch Natural Heritage Priority site, which is habitat for a population of Federally listed threatened plant species. Therefore the requested modification has not been made.

Adoption 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 any project/activity. Approval of this amendment does not provide any implied approval for any other aspects of any project or needed permits and approvals. Further, the Water Quality Planning Act, N.J.S.A. 58:11-A-1 et seq., and implementing regulations require that fully county-wide WMP updates be completed pursuant to the requirements set forth in N.J.A.C. 7:15.

The adopted map is available at the Department, Division of Coastal and Land Use Planning, 401 East State Street, Trenton, New Jersey, 08625.



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

6/18/13

Date