

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

Adopted Amendment to the Upper Delaware Water Quality Management Plan

Public Notice

Take notice that on **FEB 12 2016**, pursuant to the provisions of the New Jersey Water Quality Management Planning Act, N.J.S.A. 58:11A-1 et seq. and the New Jersey Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment (PI# 435437, Activity# WMP150001) to the Upper Delaware Water Quality Management (WQM) Plan was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of the Common Council of the Town of Hackettstown, the responsible Wastewater Management Planning agency for the Town of Hackettstown pursuant to N.J.A.C. 7:15-5.13(b), incorporates into the Upper Delaware WQM Plan, a stand-alone municipal Wastewater Management Plan (WMP) for the Town of Hackettstown.

This amendment has been prepared pursuant to the New Jersey Water Quality Management Planning Act, N.J.S.A. 58:11A-1 et seq., the WQM Planning rules, N.J.A.C. 7:15 and the New Jersey Highlands Council's Highlands Regional Master Plan (RMP).

The Town of Hackettstown, located entirely within the Highlands Region (planning and preservation areas) as delineated by the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), has agreed to conform to the RMP developed and adopted by

the Highlands Council in accordance with the Highlands Act and to the Plan Conformance process adopted by the Highlands Council. The Highlands Council has approved the Town's petition for Plan Conformance through Resolution #2011-25. One of the conditions applicable to each municipality that agrees to conform to the RMP for the entire municipality is the development of a municipal WMP, or municipal chapter of a County WMP, as appropriate, in compliance with the RMP and N.J.A.C. 7:15. The municipal WMP was drafted by the Highlands Council with the Town's endorsement through a resolution adopted by the Town of Hackettstown Common Council on March 26, 2015.

This amendment provides for a Town of Hackettstown municipal WMP that identifies wastewater service designations within the municipality. The municipal WMP designates as Future Sewer Service Area areas within the municipality that are currently served, or are planned to be served in the future, by public wastewater treatment facilities or individual NJPDES permitted treatment facilities, and additionally, identifies areas as Septic Areas (those areas with Planning Flows of 2,000 Gallons per Day (GPD) or less). All of the Sewer Service Area (SSA) identified in the proposed municipal WMP is served by the Hackettstown Water Pollution Control Facility (WPCF) (NJ0021369), a municipal facility that also provides wastewater treatment to portions of Independence Township, Mansfield Township, Mount Olive Township and Washington Township (Morris), and having an approved and operative total permitted system capacity of 3.39 million gallons per day (MGD).

The municipal WMP evaluates the ability of 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 Water Quality Management Planning Rules that provide the environmental review standards to be applied to an amendment for a WMP at N.J.A.C. 7:15-5.18, N.J.A.C. 7:15-5.24, and N.J.A.C. 7:15-5.25.

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 proposed SSA. 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 proposed 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) and the RMP, an environmental build-out analysis (build-out analysis) to identify future projected wastewater flow that may be subject to being provided service by public wastewater treatment facilities, was developed for the existing and proposed sewer service area in the Town of Hackettstown on a hydrologic unit code (HUC) 14 basis. 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 the Town of Hackettstown's existing and future SSA was projected to be 0.343663 MGD and was used in conjunction with the existing wastewater flow, as described below, to assess whether sufficient capacity exists to accommodate future treatment demand 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 capacity of the Hackettstown WPCF, the only wastewater treatment plant serving the Town of Hackettstown. The existing total wastewater flow for that facility was calculated to be 2.120 million gallons per day (MGD) based on the average of the monthly metered flow over the 12 month period ending September 30, 2014, as reported to the Department in the Discharge Monitoring Reports (DMRs) received for the Hackettstown WPCF. This existing wastewater flow volume and the projected future additional wastewater flow, derived from the build-out analysis, as described above, were utilized, in conjunction with

the projected future wastewater flow attributable to the remaining municipalities served by the Hackettstown WPCF, to assess whether that facility has sufficient capacity remaining to accommodate future wastewater treatment demand.

The analyses performed pursuant to N.J.A.C. 7:15-5.25(c) and (d) as described above demonstrate that the Hackettstown WPCF has 1.27 MGD of total wastewater treatment capacity remaining to serve the future additional wastewater needs of all of the contributing municipalities, which have been projected to be 0.604355 MGD in total, and do not cause the permitted capacity of the Hackettstown WPCF to be exceeded.

The municipal WMP incorporates a nitrate dilution analysis in accordance with N.J.A.C. 7:15-5.25(e) and the RMP to evaluate the groundwater impacts and septic system density on a HUC 14 basis from potential development of those areas outside future sewer service area (FSSA). The Nitrate Dilution Model, developed by the Department, was applied on a HUC 14 basis using the following Nitrate targets for the respective land use capability zones as identified in the adopted RMP: 2 mg/l within the Community Zone, 1.87 mg/l within the Conservation Zone, and 0.72 mg/l within the Protection Zone. These targets are equivalent to or more stringent than the requirements at N.J.A.C. 7:15. Utilizing these targets, the model estimates the minimum lot size necessary to comply with the ground water quality standards within the HUC 14. This analysis indicated that there was no capacity within the Preservation Area to support new residential development reliant on service by individual septic systems; however, within the Planning Area,

there was capacity to support up to 9 new residential dwellings to be served by individual septic systems.

Approval of development served by septic systems in the Highlands Region will be regulated by the Highlands Act rules, N.J.A.C. 7:38. Further, any project involving a septic system outside of adopted FSSA must have approval under the septic density provisions of the adopted Highlands Land Use/Checklist Ordinance pursuant to the Highlands Council approval of the Town's Petition for Plan Conformance. Because any project approved pursuant to the provisions of the Highlands Land Use/Checklist Ordinance must first demonstrate consistency with the RMP, the applicable septic system density requirements are deemed to be in accordance with the septic density requirements of N.J.A.C. 7:15. However, where the development activity is exempt from the Highlands Act or receives a Highlands Preservation Area Approval from NJDEP, such development shall be in conformance with N.J.A.C. 7:15-5.25(e) regarding septic system densities. Consequently, the Department concluded that groundwater quality will be protected.

A Water Use Analysis performed pursuant to N.J.A.C. 7:15-5.25(f) indicated a single Department-regulated water supply purveyor serving the Town through an existing water allocation permit, Hackettstown MUA (PWSID #2108001). The current approved water allocation capacity for this utility is 123.7 million gallons per month (MGM). The septic system density/build-out analysis identifies a projected future water demand of 8.179 MGM and an excess available water supply capacity of 17.472 MGM from this purveyor. Consequently, the Water Use Analysis has been satisfied.

The Nonpoint Source Pollution Impact Analysis – Stormwater Standards, as required at N.J.A.C. 7:15-5.25(g)(1), indicated that the Town of Hackettstown has adopted the required stormwater management ordinance in compliance with its NJPDES MS4 stormwater permit (Ordinance #2006-14). Consequently, adoption of this ordinance by the Town of Hackettstown ensures compliance with the performance standards of the Stormwater Management rules, N.J.A.C. 7:8.

The Nonpoint Source Pollution Impact Analyses – Riparian Corridor and Steep Slopes, as required at N.J.A.C. 7:15-5.25(g)(2)-(6), indicated that the Town of Hackettstown has adopted a Highlands Land Use/Checklist Ordinance (Ordinance #2012-02) in compliance with the Plan Conformance approval of the Highlands Council.

The Highlands Land Use/Checklist Ordinance ensures protection of the riparian corridors along all perennial and intermittent streams and lakes within the Town. Pursuant to the RMP and the Highlands Land Use/Checklist Ordinance, Highlands open water buffers extend to 300 feet from the top of bank (or centerline of a first order stream where no bank is apparent). This requirement applies to all Highlands Open Waters within the Highlands Region, regardless of stream classification in the Surface Water Quality Standards at N.J.A.C. 7:9B. Such buffers will be regulated through the adopted Highlands Land Use/Checklist Ordinance, which is equivalent to or more stringent than the Department's riparian zone standard contained in the Flood Hazard Control Act rules (N.J.A.C. 7:13) and Water Quality Management Planning rules (N.J.A.C. 7:15). Consequently, the Riparian Corridor protection standards have been met.

Further, the adopted Highlands Land Use/Checklist Ordinance addresses steep slopes for gradients 10 percent or greater. This protection is more stringent than the requirements at N.J.A.C. 7:15-5.25(g)(6). Consequently, the Steep Slope protection requirements have been met.

~~This amendment was noticed in the New Jersey Register on October 19, 2015 at 47 N.J.R. 2641(a) and comments were received from the New Jersey Highlands Council. As noted below in response to the specific comments, the Department is adopting this amendment with minor changes to text and a table within the WMP, as well as a three corrections to the October 19, 2015 notice of proposed adoption, pursuant to N.J.A.C. 7:15-3.4(g)9ii. These changes are of a technical or administrative nature, and do not destroy the value of the amendment's public notice.~~

Comment 1: Table 6 of the WMP identifies the future aggregate wastewater needs (projected additional flow) of all the contributing municipalities as 0.604355 million gallons per day (MGD). However, paragraph 8 of the October 19, 2015 notice cited this aggregate flow as 0.57153 MGD.

Response 1: The 0.57153 MGD value represents the future aggregate wastewater needs of the wastewater-flow contributing municipalities as derived from the build-out analysis for the Hackettstown WPCF service area as contained in the WMP at the time the Department decided to proceed with the WMP's adoption. Subsequent to publication of the October 19th notice,

Independence Township submitted to the Department a municipal WMP in consideration for adoption. That proposed WMP contained an updated build-out analysis, which resulted in a higher projected future wastewater flow for Independence Township than that identified in the Hackettstown WMP. Independence Township's updated sewage flow contribution has been reflected in the Hackettstown WMP and the aggregate wastewater flow value of 0.604355 MGD cited in the comment above. Accordingly, paragraph 9 of this notice has been corrected to reflect the 0.604355 MGD aggregate value.

Comment 2: The WMP's text describing the Water System Capacity Analysis contains erroneous values for total estimated public water demand within the Town. The correct value for total estimated public water demand is 0.263849 MGD or 8.179319 MGM (0.077 MDG of consumptive use).

Response 2: The Department concurs. The text on page 13 of the Hackettstown WMP, as well as paragraph 12 of this notice, has been revised to reflect the values cited in the comment above.

Comment 3: The first sentence of paragraph fourteen of the notice of proposed adoption incorrectly references the "Borough". The correct reference should be "Town".

Response 3: The Department concurs. The typographical error has been corrected in paragraph 15 of this notice.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to any final permit issuance. These issues 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, development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules. Approval of this amendment does not eliminate the need for any permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.

Sewer service to any particular project is subject to contractual arrangements between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.



Colleen Kokas
Office of WRM Coordination
Department of Environmental Protection

2-12-16

Date