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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LAND MANAGEMENT**

### **DIVISION OF WATERSHED PROTECTION AND RESTORATION**

#### **Adopted Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans**

**Take notice** that on August 30, 2024, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment to the Upper Delaware and Upper Raritan Water Quality Management (WQM) Plans. The amendment, (Program Interest No. 435437, Activity No. AMD200002 and Program Interest No. 435434, Activity No. AMD200004) amends the Hunterdon County Wastewater Management Plan (WMP) by adding a complete municipal chapter for Glen Gardner Borough (“municipal chapter WMP.”)

Preliminary notice was published in the New Jersey Register on May 6, 2024, at 56 N.J.R. 813(a). No comments were received during the comment period. This notice represents the Department’s determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15 as described below.

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from Glen Gardner Borough, the Hunterdon County Board of County Commissioners, the Highlands Council, and the Delaware River Basin Commission. Glen Gardner Borough did not respond to the request for consent. The Hunterdon County Board of County Commissioners adopted Resolution 2024-461 on May 21, 2024, consenting to the proposed amendment. The Highlands Council confirmed the amendment is consistent with the Highlands Regional Master Plans (RMP) in an

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email dated July 30, 2024. The Delaware River Basin Commission did not respond to the request for consent.

Pursuant to N.J.A.C. 7:15-4.1(b) and 4.2(e), individual components of a WMP may be adopted independently of other components or chapters provided that the minimum scale of these components is an entire municipality. The rest of the County will be addressed through subsequent amendments for a complete county-wide WMP, municipal chapters, and/or WMP components submitted in accordance with N.J.A.C. 7:15-3.5 and 4. Pursuant to N.J.A.C. 7:15-4.3, the WMP contains all the required components for a complete municipal WMP chapter.

Glen Gardner Borough is located in the Highlands region and is solely in the preservation area as designated by the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20. A Petition for Plan Conformance for the Borough was approved by the Highlands Council on December 16, 2010, establishing the Borough's conformance to the RMP. Conformance with the RMP allows for sewer service area (SSA) delineation, municipal build-out, and nitrate dilution analysis to be performed according to the procedures set forth pursuant to the RMP, in accordance with N.J.A.C. 7:15-4.4(c) and 4.5(c).

The municipal chapter WMP includes changes to the currently approved SSA. Pursuant to N.J.A.C. 7:15-4.4(c)1, in the Highlands Region, areas eligible for sewer service within the preservation area are only those designated for existing structures or development connected to a wastewater treatment facility as of August 10, 2004, or those areas that are eligible for sewer service pursuant to N.J.A.C. 7:38-2.3, 2.4, 2.6, and 3.4. As a result, 50.5 acres have been removed from the SSA to reflect a revocation of a NJPDES permit and to reduce the SSA to the footprint of existing development. The Department has determined that the SSA complies with N.J.A.C. 7:15-4.4(c).

In accordance with N.J.A.C. 7:15-4.5, wastewater capacity analyses were conducted to determine the existing and future wastewater management needs of each SSA through a wastewater treatment

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capacity analysis and through a nitrate dilution capacity analysis for the non-SSA. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing and projected future flows of the two existing discharge to groundwater facilities are identified. No expansion of either SSA is proposed and all development within the respective SSAs is already connected. As such, no potential capacity deficiencies at either facility are identified. The Department has determined that the wastewater treatment capacity analysis complies with N.J.A.C. 7:15-4.5(b).

The nitrate dilution analysis identifies the total septic yield in equivalent dwelling units, as allowed under the Highlands Act rules, and whether a potential deficit in nitrate dilution capacity exists. In the preservation area, septic densities are determined in accordance with the Highlands Rule at N.J.A.C. 7:38-3.4(b), which requires 25 acres per septic unit in non-forested areas and 88 acres per septic unit in forested areas. Any parcels eligible for exemption from the Highlands Act that could be served by an Individual Subsurface Sewage Disposal System pose a potential deficit in the nitrate dilution capacity. The analysis identifies the potential for zero additional equivalent dwelling units allowed in the preservation area. There are 13 equivalent dwelling units exempt from the Highlands Act in Glen Gardner, constituting a potential septic capacity deficiency. The proposed strategies for addressing the deficiencies identified by the nitrate dilution analysis include land preservation, a centralized treatment facility to serve problematic areas, and an analysis of buildability of identified exempt parcels. The Department has determined that the nitrate dilution capacity analysis and the proposed strategies to mitigate the potential septic capacity deficiencies comply with N.J.A.C. 7:15-4.5(c).

The septic maintenance program includes an inventory of all known septic systems in Glen Gardner Borough, current septic maintenance practices that promote care and maintenance of septic systems, proposed improvements to the current septic maintenance practices, and refinement of the

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septic inventory. The Department has determined that the septic maintenance program complies with N.J.A.C. 7:15-4.5(c)1vi.

Sewer service is not guaranteed by the adoption of this amendment since it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA as a result of the approval of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any Federal, State, county or municipal review agency with jurisdiction over this project/activity.

8/30/2024

Date

SIGNED

Gabriel Mahon, Bureau Chief  
Bureau of NJPDES Stormwater Permitting and Water Quality Management  
Division of Watershed Protection and Restoration  
NJ Department of Environmental Protection