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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Upper Raritan Water Quality Management Plan

Public Notice

Take notice that on **March 16, 2020**, in accordance with the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-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 Raritan Water Quality Management Plan (WQMP) and Hunterdon County Wastewater Management Plan (WMP). The adopted amendment (Program Interest No. 435434, Activity No. AMD190002), prepared by the New Jersey Highlands Council and submitted by the Hunterdon County Planning and Land Use Department on behalf of the Hunterdon County Board of Chosen Freeholders, amended the current Hunterdon County WMP adopted on July 29, 2015 (47 N.J.R. 2397(a)), by adding a complete municipal chapter to the Hunterdon County WMP in accordance with N.J.A.C. 7:15-4.1(b). This amendment supersedes the previous Tewksbury Township WMP, adopted on April 2, 1991 (23 N.J.R. 2189(d)). This notice represents the Department's determination that the adopted amendment is compliant with the applicable regulatory criteria at N.J.A.C. 7:15, as described below. Preliminary notice was published in the New Jersey Register on December 16, 2019, at 51 N.J.R. 1865(a). One comment was received during the comment period. A summary of that public comment and the Department response is provided at the end of this notice.

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Tewksbury Township is located in the Highlands Region and includes both planning and preservation areas as designated by the Highlands Water Protection and Planning Act, N.J.S.A. 13:20. A Petition for Plan Conformance for both areas was approved by the Highlands Council on February 17, 2011, making Tewksbury a fully conforming municipality to the Highlands Regional Master Plan (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).

Pursuant to N.J.A.C. 7:15-4.3, the adopted municipal chapter contains all the required individual WMP components and identified the following significant actions:

The municipal chapter WMP adopts changes to the currently approved SSA, most notably by removing the SSA designated as the "Rt 78 Office Service Area WTP" (NJ0102563) since sewer service to that area, identified as Protection Zone under the Highlands Land Use Capability Zones, would be inconsistent with the RMP.

Pursuant to N.J.A.C. 7:15-4.4(c), in the Highlands Region, areas eligible for sewer service are delineated in the preservation area as those areas that were 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. Areas eligible for sewer service are delineated in the planning area for Highlands conforming municipalities as the areas established within the RMP as Existing Community Zone, Lake Community Sub-Zone, or designated as Highlands redevelopment areas or Highlands centers. The Department conducted an evaluation of the proposed SSA using a GIS shapefile provided by the County to determine whether areas proposed for sewer service are all eligible. The Department has determined that the proposed SSA complies with N.J.A.C. 7:15-4.4.

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The adopted wastewater treatment capacity analysis identified one existing wastewater treatment plant (WTP) that discharges to surface water, New Jersey American Water Company – Pottersville (NJ0022781), and seven WTPs that discharge to ground water, Oldwick Village Water Pollution Control Plant (WPCP) (NJ0055956); Crossroads at Oldwick (NJ0104396); AM Best Company, Inc. (NJ0134627); Christy Bartles (NJ0138592); Tewksbury Township Elementary School (NJ0139998); Hunters Glen Community (NJG0053279); and Tewksbury Township Board of Education (NJG0103110). The results of the wastewater treatment capacity analysis identified no potential capacity deficiencies at any of the identified WTPs. The Department has determined that the adopted wastewater treatment capacity analysis complies with N.J.A.C. 7:15-4.5.

The adopted nitrate dilution analysis identified the total septic yield for Tewksbury in equivalent dwelling units, as allowed under the Highlands Water Protection and Planning Act Rules and based on RMP septic requirements, and whether a potential deficit in nitrate dilution capacity exists. For the preservation area, septic densities are determined in accordance with the Highlands Water Protection and Planning Act Rules at N.J.A.C. 7:38-3.4(b), which allows for 25 acres per septic unit in non-forested areas and 88 acres per septic unit in forested areas. For the planning area, septic densities are determined on a municipal basis by Land Use Capability Zone. In Tewksbury, the Existing Community Zone allows for 9 acres per septic unit, the Conservation Zone allows for 10 acres per septic unit, and the Protection Zone allows for 25 acres per septic unit. Any parcels eligible for exemption from the Highlands Water Protection and Planning Act that could be served by an Individual Subsurface Sewage Disposal System pose a potential deficit in the nitrate dilution capacity. The Tewksbury Township WMP identified 116 equivalent dwelling units in the preservation area and 92 equivalent dwelling units in the planning area, constituting potential septic capacity deficiencies. The proposed strategies for addressing the deficiencies identified by the nitrate dilution analysis include land preservation and an analysis of buildability of identified

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exempt parcels. The Department has determined that the wastewater capacity analysis and the strategies to mitigate the potential septic capacity deficiencies comply with N.J.A.C. 7:15-4.5.

The adopted septic maintenance program includes an inventory of all known septic systems in Tewksbury, current septic maintenance practices that promote care and maintenance of septic systems, and proposed improvements to the current septic maintenance practices and refinement of the septic inventory. The Department has determined that the septic maintenance program complies with N.J.A.C. 7:15-4.5(c)1vi.

N.J.A.C. 7:15-3.5(g)6 requires the applicant to request a written statement of consent from all identified governmental entities, sewerage agencies, and the Board of Public Utilities-related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, adoption of this amendment. Accordingly, the Department instructed the applicant to request a written statement of consent from the New Jersey Highlands Council, Tewksbury Township, and the Hunterdon County Board of Chosen Freeholders. In a letter dated January 17, 2020, the Highlands Council found the proposed WMP consistent with the RMP. On January 14, 2020, Tewksbury Township adopted Resolution No. 32-2020, consenting to the proposed WMP. On January 21, 2020, the Hunterdon County Board of Chosen Freeholders adopted Resolution #2020 – 12, consenting to the proposed WMP.

The Department accepted comments on the proposed amendment through January 15, 2020. The following is the only comment received, submitted by George Cassa of the Alliance for Historic Hamlets and the Department's response follows.

COMMENT: The commenter supports the Department's proposal, particularly in regard to the consistency with the Highlands Regional Master Plan.

RESPONSE: The Department acknowledges the commenter's support.

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Sewer service is not guaranteed by 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 sewer service area 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.

3/16/2020

Date

SIGNED

Bruce S. Friedman, Director

Division of Water Monitoring and Standards