

(3) Existing agricultural land uses allowed to continue on the restricted portion are required to implement Best Management Practices by implementing the findings of a Conservation Plan developed by the Natural Resources Conservation Service; or

5. Provide for any modification in an adopted regional stormwater management plan that does not require an amendment under N.J.A.C. 7:15-3.4(b)5.

(c) The documents that are automatically adopted into the Statewide or areawide WQM Plans under N.J.A.C. 7:15-3.4(b)1 through 4, and 7:15-3.4(i) shall not be revised under this section.

(d) An application for a revision under (b)4 above shall include a detailed basis for the revision, including any documentation supporting the assertion that the project or activity qualifies as a revision, all applicable information listed in N.J.A.C. 7:15-3.2(a) and other documentation as determined by the Department to be necessary to determine compliance with the criteria established at N.J.A.C. 7:15-5.24 and 5.25. The Department will notify the applicant of any additional information it needs to determine if the proposal qualifies as a revision. If the Department is unable to determine that a proposed project or activity qualifies to be processed as a revision based on information in the revision application or submitted by the applicant after notification, the Department will review the proposal as a potential amendment pursuant to N.J.A.C. 7:15-3.4. Once the Department determines that a project or activity qualifies as a revision, the Department shall provide a copy of the proposed revision to the agencies identified in N.J.A.C. 7:15-5.22 and provide 21 days for these entities to comment on the proposed revision.

(e) The procedure for revision of Statewide and areawide WQM plans is as follows:

1. The Governor or his or her designee shall adopt revisions to areawide WQM plans and the Commissioner shall adopt revisions to the Statewide WQM Plan. Such revisions shall take effect immediately, unless the adoption notice specifies otherwise.

2. The Department shall, on an annual basis, make publicly available a list of adopted revisions to WQM plans. Under N.J.A.C. 7:15-3.4, interested persons may submit petitions to amend WQM plans to repeal or modify such revisions.

(f) Designated planning agencies shall revise areawide WQM Plans in accordance with procedures established by such agencies and approved by the Department. All revisions to areawide WQM plans are valid only upon their adoption by the Governor or his or her designee.

(g) The Governor or his or her designee shall certify adopted WQM Plans in accordance with United States Environmental Protection Agency regulations.

Administrative Correction to (b)3: Changed 5.24(g) to 5.23(g).  
See: 22 N.J.R. 2001(b).

Amended by R.1997 d.108, effective May 5, 1997.

See: 28 N.J.R. 729(a), 28 N.J.R. 2779(a), 28 N.J.R. 3494(a), 28 N.J.R. 3858(a), 29 N.J.R. 2142(a).

Added (b)1i and ii; added (b)4; and in (c), amended N.J.A.C. references.

Amended by R.2004 d.48, effective February 2, 2004.

See: 35 N.J.R. 119(a), 35 N.J.R. 1328(a), 36 N.J.R. 670(a).

In (b), added 5.

Public Notice: Revisions to the Water Quality Management Plans for Calendar Year 2004.

See: 37 N.J.R. 795(a).

Public Notice: Revisions to the Water Quality Management Plans for calendar year 2005.

See: 38 N.J.R. 1231(a).

Public Notice: Revisions to the Water Quality Management Plans for calendar year 2007.

See: 40 N.J.R. 2291(b).

Amended by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

In the introductory paragraph of (b), inserted the first sentence; in (b)3, updated the N.J.A.C. reference; in the introductory paragraph of (b)4, substituted "Plans" for "plans"; inserted "based on its assessment that the project for which the revision is proposed complies with the environmental standards established at N.J.A.C. 7:15-5.24 and 5.25, as applicable, that" and updated the N.J.A.C. references; rewrote (b)4i; in (b)4ii, inserted "all affected wastewater management plans are current in accordance with the schedule at N.J.A.C. 7:15-5.23"; in (b)4iii, substituted "8,000" for "20,000"; "planning" for "planned wastewater" and "an existing public" for "a" preceding "school" and deleted "NJPDES-permitted" following "on-site"; rewrote (b)4iv; in (b)4v, substituted a period for "; or" following the second occurrence of "development" and inserted the last sentence; added (b)vi through (b)x; added new (d); recodified former (d) through (f) as (e) through (g); and in (e)1, (f) and (g), inserted "or her".

Public Notice: Revisions to the Water Quality Management Plans for calendar year 2008.

See: 42 N.J.R. 598(b).

### 7:15-3.6 Coordination with Coastal Zone and Hackensack Meadowlands programs

(a) In accordance with N.J.A.C. 7:7E-1.2(h), the Department's Rules on Coastal Zone Management, including, but not limited to, provisions concerning the New Jersey Meadowlands Commission at N.J.A.C. 7:7E-3.45, shall provide the basic policy direction for WQM planning in the New Jersey Coastal Zone defined at N.J.A.C. 7:7E-1.2(b), including, but not limited to, the Hackensack Meadowlands District described in N.J.S.A. 13:17-4.

(b) In accordance with N.J.A.C. 7:15-3.4(b)1, the water quality related provisions of N.J.A.C. 7:7E, including but not limited to N.J.A.C. 7:7E-8.4, are part of the Statewide WQM Plan.

(c) Under N.J.A.C. 7:7E-8.4 and Section 307(f) of the Coastal Zone Management Act, 33 U.S.C. §§ 1451 et seq., the Department's Coastal Management Program incorporates by reference all requirements established by or pursuant to the Clean Water Act, 33 U.S.C. §§ 1251 et seq., including all requirements contained in this chapter and in WQM plans.

(d) For WQM plan amendments relating to the Hackensack Meadowlands District, the consultation requirement in N.J.S.A. 13:17-9(c) shall be met as follows:

1. For amendments processed under N.J.A.C. 7:15-3.4(b)5, (b)6 or (c), the New Jersey Meadowlands Commission shall be requested to issue written statements of consent for such amendments under N.J.A.C. 7:15-3.4(g)3 and 4 or N.J.A.C. 7:15-3.4(d)3, as appropriate.

2. For other amendments to WQM plans under N.J.A.C. 7:15-3.4(b)1 through (b)4, (i), or (k) that automatically incorporate into Statewide or areawide WQM Plans any Department or USEPA actions taken through rulemaking or other proceedings the consultation requirement in N.J.S.A. 13:17-9(c) shall be addressed, as necessary, through those proceedings and shall not be independently addressed under this section.

Administrative Correction to (d)2: Corrected spelling of pollution.

See: 22 N.J.R. 2001(b).

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

In (a), corrected cross-references. In (d)1, "issue written statement of consent" was "endorse".

Amended by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

In (a) and (d)1, substituted "New Jersey Meadowlands Commission" for "Hackensack Meadowlands Development Commission"; in (a), updated the second N.J.A.C. reference; in (d)1, updated the first N.J.A.C. reference; and rewrote (d)2.

#### 7:15-3.7 Coordination with Pinelands program

(a) In accordance with N.J.S.A. 13:18A-8, 16 U.S.C. § 471i(f), and the "Water Resources Planning" element (page 221) of the "Surface and Groundwater Resources Program" contained in Chapter Seven of the Comprehensive Management Plan adopted by the Pinelands Commission on November 21, 1980, comments shall be sought from the Pinelands Commission on proposed WQM plan amendments pertaining to the Pinelands Area defined at N.J.S.A. 13:18A-11 or the Pinelands National Reserve defined at 16 U.S.C. § 471i(c), to ensure that such amendments are consistent 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.

(b) The Department shall seek comments from the Pinelands Commission on proposed WQM plan amendments and revisions pertaining to the Pinelands Area and Pinelands National Reserve before making the decision required by N.J.A.C. 7:15-3.4(g)2 or 7:15-3.5(e), as appropriate.

(c) For other amendments to WQM plans under N.J.A.C. 7:15-3.4(b)1 through (b)4, (i), or (k) that automatically incorporate into Statewide or areawide WQM Plans any Department or USEPA actions taken through rulemaking or other proceedings, any need to seek comments from the Pinelands Commission shall be addressed, as necessary, through those proceedings and shall not be independently addressed under this section.

Amended by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Rewrote (b) and (c).

#### 7:15-3.8 Validity of site specific water quality management plan amendments and revisions

(a) No WQM plan amendment or revision hereafter adopted by the Governor or his or her designee is valid unless adopted in substantial compliance with this chapter.

(b) Proposed site specific WQM plan amendments for which notice has been filed for publication or published in the New Jersey Register pursuant to N.J.A.C. 7:15-3.4(g)3 or 3.4(g)5 as of July 7, 2008 shall be subject to the rules in effect on July 6, 2008. Where the Department disapproves or returns the proposed amendment pursuant to N.J.A.C. 7:15-3.4(g)8, and the applicant submits a new or modified site specific plan amendment, the new or modified proposed plan amendment shall be subject to the rules in effect at the time of the subsequent submittal.

(c) Proposed WQM plan revisions that have been submitted to the Department but not adopted pursuant to N.J.A.C. 7:15-3.5(e)1 as of July 6, 2008 shall be subject to the rules in effect as of July 7, 2008.

(d) Site specific amendments and revisions adopted prior to July 7, 2008 shall be valid for six years from the date of adoption or until the sewer service or wastewater service area is revoked under N.J.A.C. 7:15-8.1, whichever is later.

(e) Site specific amendments or revisions adopted after July 7, 2008 shall be valid for six years from the date of adoption, unless a wastewater management plan updated in accordance with N.J.A.C. 7:15-5.23 includes the site specific amendments or revision.

Administrative Correction to (b).

See: 22 N.J.R. 2001(b).

Administrative Correction to (b): incorporated omitted correction made at 22 N.J.R. 2001(b).

See: 25 N.J.R. 547(a).

Amended by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Section was "Validity of water quality management plan amendments". In (a), inserted "or revision" and "or her"; rewrote (b); and added (c) through (e).

#### 7:15-3.9 Appeals of Department decisions

(a) Except as provided in (g) below, within 30 calendar days from receipt by the applicant of a written notification from the Department of the decision of the Department made pursuant to N.J.A.C. 7:15-3.1 or 3.2, 3.4(g)2i or ii or 3.4(g)8ii through iv, the applicant may request an adjudicatory hearing to contest the Department decision by submitting a written request to the Department, addressed to the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, PO Box 402, 401 East State Street, 4th Floor, Trenton, New Jersey 08625-0402. A copy of the request shall be submitted to Division of Watershed Management, Department of Environmental Protection, P.O. Box 418, 401 East State Street, 7th Floor, Trenton, N.J. 08625. The request shall include the following information:

period at the end; and added (b)3; in (d), substituted “and” for “through” following “5.4” and substituted “July 7, 2008” for “the effective date of this subchapter”; in (f), substituted “as” for “for wastewater management plans” and “thereto” for “thereof” and inserted “through (d)” and “or her”; and added (g).

#### 7:15-5.4 Responsibility of County Boards of Chosen Freeholders

A county board of chosen freeholders shall have wastewater management plan responsibility for a wastewater management plan area consisting of all of its county except as provided in N.J.A.C. 7:15-5.13.

Administrative Correction: Effective date by December 1, 1989.

See: 22 N.J.R. 2001(b).

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

“Department” was “BWQP”.

Amended by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Section was “Responsibility of designated planning agencies”. Rewrote the section.

#### 7:15-5.5 (Reserved)

Repealed by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Section was “Responsibility of Passaic Valley Sewerage Commissioners”.

#### 7:15-5.6 Responsibility of sewerage authorities and municipal authorities

(a) The Passaic Valley Sewerage Commissioners (PVSC), joint meetings, county utilities authorities, and every sewerage authority and every municipal authority that performs sewerage-related functions in at least part of its district shall provide, upon the request of the WMP agency, the following sewerage-related information regarding its district or wastewater service area to the wastewater management planning agency or agencies responsible for a wastewater management plan area in which it lies partially or wholly within:

1. The name and NJPDES discharge permit number of any DTW owned or operated by the entities in (a) above;
2. The existing permitted flow of each named DTW in million gallons per day;
3. The actual wastewater flow, by municipality, for each municipality within the sewer service area of each named DTW in million gallons per day;
4. The capacity allocation to each municipality within the sewer service area of each named DTW in million gallons per day;
5. A description of the legal or financial arrangement concerning the capacity allocation in (a)4 above;
6. Identification of committed flow not presently connected to each named DTW in million gallons per day for each municipality within the sewer service area;

7. Any information relevant to a future DTW expansion demonstrated to be needed in accordance with N.J.A.C. 7:15-5.25(d), including, but not limited to, stream studies or effluent characteristics;

8. Identification of any wasteload allocations in a total maximum daily load assigned to any named DTW and a proposed schedule to meet any non-compliance with the wasteload allocation;

9. Maps, prepared in accordance with the requirements at N.J.A.C. 7:15-5.20, showing the name, NJPDES discharge permit number, and the existing collection and conveyance systems of any named DTW; and

10. Any other information needed to satisfy the requirements of N.J.A.C. 7:15-5.16.

(b) Except as provided in (c) below, a municipal authority performs “sewerage-related functions” if it:

1. Owns, leases, constructs, operates, or maintains sewerage facilities, or is a party to a contract providing for or relating to sewerage facilities;
2. Regulates the construction or use of sewerage facilities;
3. Is a permittee or co-permittee under N.J.A.C. 7:14A for a DTW, or has applied to be such a permittee or co-permittee;
4. Seeks WQM plan amendments for sewerage facilities;
5. Receives or seeks to receive Federal or State financial assistance for sewerage facilities; or
6. Is required by statute, rule, contract, court order, Department order, consent agreement, or other legal obligation to perform any of the activities listed in (b)1 through 5 above.

(c) The activities listed in (b)1 through 6 above shall not be considered “sewerage-related functions” if such activities are:

1. Performed solely to carry out the municipal authority’s water supply, solid waste, chemical or hazardous waste, or hydroelectric power functions; or
2. Pertain solely to sewage that arises on property owned or leased by the municipal authority, and that is conveyed to sewerage facilities not owned, leased, operated, or maintained by the municipal authority.

(d) The Department may, at any time, send a letter to any municipal authority, requesting that authority to declare in writing whether or not that authority performs any of the sewerage-related functions listed under (b) and (c) above. If that authority does not make such a declaration within 90 calendar days of receipt of the letter, the Department shall, in the absence of information to the contrary, presume that the authority performs sewerage-related functions.

(e) Where one or more entity has responsibility for an area within one or more wastewater management planning areas, each entity shall provide all necessary sewerage-related information in accordance with (a) above regarding their district to each wastewater management planning agency responsible for wastewater management planning within the entity's district.

(f) For purposes of (e) above, "overlap" exists when the district of one authority is partially or completely within, or identical to, the district of one or more other authorities.

Administrative Correction in (e)4: Changed "of" to "or".  
See: 22 N.J.R. 2001(b).

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

In (d), "ORP" was "BWQP".

Amended by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Rewrote the introductory paragraph of (a); added (a)1 through (a)10; in the introductory paragraph of (b), deleted the former first sentence; rewrote (d) and (e); and deleted (g).

#### 7:15-5.7 (Reserved)

Repealed by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Section was "Responsibility of joint meetings".

#### 7:15-5.8 Responsibility of municipalities

(a) Upon the request of the WMP agency, every municipality shall provide the following information to the wastewater management planning agency:

1. Ordinances as required to demonstrate compliance with N.J.A.C. 7:15-5.25(f)2iii, (g)1, (g)3 or (g)6;
2. A map, prepared in accordance with the requirements at N.J.A.C. 7:15-5.20, identifying any public water supply service areas;
3. Where applicable, a septic management plan in accordance with N.J.A.C. 7:15-5.25(e)3;
4. In addition to (a)1 through 3 above, for urbanized municipalities provide:
  - i. Population projections; and
  - ii. Employment projections; and
5. In addition to (a)1 through 3 above, for municipalities not subject to (a)4 above provide:
  - i. The current zoning map and associated ordinances; and
  - ii. A modified zoning map and associated ordinances as revised to demonstrate compliance with N.J.A.C. 7:15-5.25, as applicable.

Repeal and New Rule, R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Section was "Responsibility of municipalities".

Administrative correction.

See: 40 N.J.R. 5036(a).

Public Notice: Amendments to county and regional water quality management plans.

See: 41 N.J.R. 315(a).

#### 7:15-5.9 (Reserved)

Repealed by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Section was "Alternative assignment of wastewater management plan responsibility: general statement".

#### 7:15-5.10 (Reserved)

Repealed by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Section was "Wastewater management plan responsibility as condition for financial assistance".

#### 7:15-5.11 (Reserved)

Repealed by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Section was "Wastewater management plan responsibility for complete wastewater service area".

#### 7:15-5.12 (Reserved)

Repealed by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Section was "Joint wastewater management plan responsibility".

#### 7:15-5.13 Alternative assignment of wastewater management plan responsibility

(a) Alternative assignments of wastewater management plan responsibility, different from the assignment set forth in N.J.A.C. 7:15-5.4, shall be made and subsequently changed as revisions to WQM plans under N.J.A.C. 7:15-3.5.

(b) The Department may assign wastewater management plan responsibility to a municipality, if the municipality requests such responsibility and provided that the county WMP agency has not submitted or stipulates it does not intend to submit a WMP. As part of the application, municipalities requesting wastewater management plan responsibility must certify that the information it was required to submit at N.J.A.C. 7:15-5.8 was submitted to the county. Requests for municipal wastewater management plan responsibility shall be made by the municipality as part of an application for a revision to an areawide WQM plan or plans under N.J.A.C. 7:15-3.5. A municipality that becomes the wastewater management planning agency for itself through alternate assignment of wastewater management plan responsibility may submit a wastewater management plan directly to the Department.

(c) A municipality that becomes the wastewater management planning agency in accordance with (b) above shall have 90-days after the date of adoption of the revision assigning it wastewater management planning responsibility to submit its wastewater management plan.

Repeal and New Rule, R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Section was "Voluntary establishment of wastewater management plan responsibility".

**7:15-5.21 (Reserved)**

Repealed by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Section was "Geographic overlap between wastewater management plans prohibited".

**7:15-5.22 Consultation and consent for wastewater management plans**

(a) Every wastewater management planning agency that prepares a wastewater management plan or wastewater management plan update, and every governmental unit or other person that prepares an amendment to a wastewater management plan, shall, during such preparation, notify and seek comments from and offer to confer with:

1. All governmental units that have regulatory or planning jurisdiction over wastewater, water supply, or land use in that wastewater management plan area, or in any additional sewer service area identified or being considered for identification under N.J.A.C. 7:15-5.16(a)6, 5.18(c)4, 5.24 or 5.25. Such governmental units shall include, but not be limited to: designated planning agencies, wastewater management planning agencies, county planning boards, municipal governing bodies and planning boards, sewerage authorities, municipal authorities, joint meetings, the Passaic Valley Sewerage Commissioners, the New Jersey Meadowlands Commission, water purveyors, the Pinelands Commission, the Highlands Council, and the Delaware River Basin Commission, as appropriate.

2. All governmental units and public utilities, and all vendors of wastewater treatment systems or services under the "New Jersey Wastewater Treatment Privatization Act", N.J.S.A. 58:27-1 et seq., that:

i. Own, lease, operate, or maintain DTW that receive wastewater that arises within, or that is conveyed into or through, that wastewater management plan area, or in any additional sewer service area identified or being considered for identification under N.J.A.C. 7:15-5.16(a)6, 5.18(c)4, 5.24 or 5.25;

ii. Are parties to contracts for such DTW;

iii. Are permittees or co-permittees under N.J.A.C. 7:14A for such DTW; or

iv. Are projected in a draft or previously adopted wastewater management plan for that wastewater management plan area to perform activities listed in (a)2 i, ii or iii above.

3. The criteria in (a)2 i through iv above are exclusive of collection facilities for sewage that arises only on non-residential property owned or leased by the governmental unit, public utility, or vendor.

(b) Under N.J.A.C. 7:15-3.4(d)3 and (g)4, written statements of consent for wastewater management plans shall generally be requested from, at a minimum, the governing

bodies of each of the governmental entities and sewerage agencies that are required to be notified under (a) above.

(c) Wastewater management plans relating to the New Jersey Coastal Zone, the Hackensack Meadowlands District, the Pinelands Area, or the Pinelands National Reserve are also subject to the requirements of N.J.A.C. 7:15-3.6, 3.7 or 3.10 as appropriate.

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

In (b): "written statements of consent" was "endorsements".

Amended by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

In the introductory paragraph of (a), inserted "or wastewater management plan update"; in (a)1, inserted "water supply," "water purveyors," and "the Highlands Council," updated the N.J.A.C. references; substituted "New Jersey" for "Hackensack" and deleted "Development" preceding "Commission"; and in (a)2i and (c), updated the N.J.A.C. references.

**7:15-5.23 Schedule for submission of wastewater management plans**

(a) Each wastewater management planning agency shall prepare and submit a wastewater management plan update every six years from the date of last adoption unless an alternate schedule is established pursuant to (e) or (f) below as a request to revise the applicable areawide WQM plan under N.J.A.C. 7:15-3.5. Where no wastewater management plan has ever been adopted or a wastewater management plan has been adopted prior to July 7, 2002, the wastewater management plan is not current and is not in compliance with this section.

(b) If a wastewater management plan in compliance with the schedule in (a) above is not in place on July 7, 2008, the WMP agency shall submit a WMP or WMP update by April 7, 2009. If a municipality accepts wastewater management plan responsibility through alternative assignment under N.J.A.C. 7:15-5.13, the municipality shall submit a wastewater management plan by July 7, 2009 or in accordance with the schedule established in (e) below.

(c) If the wastewater management planning agency fails to comply with the schedule in (a) or (b) above or an alternative schedule established under (e) or (f) below, the general service areas for wastewater facilities with planning flows of less than 20,000 gallons per day which discharge to ground water, the general service area for wastewater facilities with planning flows of less than 2,000 gallons per day which discharge to ground water, and sewer service areas shall be withdrawn in accordance with N.J.A.C. 7:15-8.1.

(d) Each municipal wastewater management plan chapter established through alternative assignment of WMP responsibility under N.J.A.C. 7:15-5.13 and adopted in accordance with the schedule established at (e) or (f) below shall be current for a period of six years unless the WMP chapter becomes part of a county-wide WMP. Where a municipal WMP chapter is incorporated into a county-wide WMP, the municipal WMP chapter shall assume the same

six-year WMP update schedule as the county-wide WMP in accordance with the schedule at (a) above.

(e) Each WQM plan revision that makes or changes alternative assignments of wastewater management plan responsibility under N.J.A.C. 7:15-5.13 shall include a schedule for submission of the corresponding wastewater management plan.

(f) Alternative schedules for submission of wastewater management plans, different from those set forth under (a) through (e) above, shall be established and subsequently changed only if such alternative schedules or changes thereto are adopted as revisions to WQM plans. Reasons that may justify the establishment or changing of alternative schedules include, but are not limited to:

1. Coordination of wastewater management plans with the preparation of municipal or county master plans under N.J.S.A. 40:55D-28 or N.J.S.A. 40:27-2, or with reexaminations under N.J.S.A. 40:55D-89;
2. Coordination between adjacent wastewater management plan areas;
3. The need for additional time to perform specific examinations required under N.J.A.C. 7:15-5.18(a)2 or 5.25(a) through (g);
4. Coordination of wastewater management plans with the schedules of the NJPDES programs or of financial assistance programs under N.J.A.C. 7:22; and
5. The need to stagger the submission of wastewater management plans so that the Department can better manage its corresponding workload under N.J.A.C. 7:15-3.4.

(g) The Department may at any time request a wastewater management planning agency to submit written reports on the progress that such agency is making in meeting its wastewater management plan responsibility. Such agency shall submit such reports to the DWM within 30 calendar days of receiving such requests.

(h) Each wastewater management plan that updates one or more already existing wastewater management plan shall comply with N.J.A.C. 7:15-5.20 and include:

1. Updated maps and descriptions of the then existing wastewater jurisdictions, wastewater service areas, and facilities under N.J.A.C. 7:15-5.16;
2. Updated maps of features under N.J.A.C. 7:15-5.17;
3. Updated maps and descriptions of future wastewater jurisdictions, wastewater service areas, and facilities under N.J.A.C. 7:15-5.18, with due regard to changes in factors discussed in that section, such as adoption of new or amended zoning ordinances; and
4. A demonstration of compliance with the criteria at N.J.A.C. 7:15-5.24 and 5.25(a) through (g).

(i) A wastewater management planning agency may submit a wastewater management plan at any time prior to the period when such submission is required under (a) through (f) above. The establishment of an alternative schedule under (f) above is not required for such early submission.

Administrative Correction to Table 1 and (d): Inserted correct dates.

See: 22 N.J.R. 2001(b).

Administrative Correction to (d): incorporated omitted correction made at 22 N.J.R. 2001(b).

See: 25 N.J.R. 547(a).

Amended by R.1993, d.59, effective February 1, 1993.

See: 24 N.J.R. 344(b), 25 N.J.R. 547(a).

In (h), "ORP" was "BWQP".

Amended by R.2008 d.163, effective July 7, 2008.

See: 39 N.J.R. 1870(a), 39 N.J.R. 2583(b), 40 N.J.R. 4000(a).

Rewrote the section.

#### Case Notes

Staggering submission dates does not give rise to equal protection complaint. *New Jersey Builders Ass'n v. Fenske*, 249 N.J.Super. 60, 591 A.2d 1362 (A.D.1991).

Staggered submission plan is not unconstitutional taking of property. *New Jersey Builders Ass'n v. Fenske*, 249 N.J.Super. 60, 591 A.2d 1362 (A.D.1991).

#### 7:15-5.24 Delineation of sewer service areas

(a) Sewer service may only be provided to areas that are not identified as environmentally sensitive areas at (b) below, coastal planning areas listed at (c) below, or special restricted areas at (d) below, except as provided at (e) through (h) below. Nothing in this section shall preclude the wastewater management planning agency from excluding additional areas from sewer service based on local planning objectives, the lack of wastewater treatment capacity or other environmental concerns, including, but not limited to, source water protection.

(b) Environmentally sensitive areas shall be defined based on a composite geographic information systems (GIS) analysis, as any contiguous area of 25 acres or larger consisting of any of the following features alone or in combination:

1. Areas mapped as endangered or threatened wildlife species habitat on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Species. The data are available as a download at the Department's webpage <http://www.nj.gov/dep/gis/listall.html> titled "Landscape Project Data";

2. Areas mapped as Natural Heritage Priority Sites, excluding those lands within the boundaries of these sites mapped in the "Urban Lands" layer extracted from the Department's 1995/97 and 2002 Land Use/Land Cover geographical information systems database as amended and updated. Both the Natural Heritage Priority Site data and the Urban Lands data are available as a digital data download at the Department's webpage <http://www.nj.gov/dep/gis/listall.html> titled "Natural Heritage Priority Sites";