

The following public notices were filed subsequent to adopted new rule filed by R.2016 d.149:

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

See: 48 N.J.R. 2398(a).

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

See: 49 N.J.R. 800(a), 801(a), 1251(c), 1252(a), 1254(a), 1255(a), 1256(a), 1258(a), 1259(a).

7:15-3.6 Appeals of agency decisions

A Department decision on an amendment or revision to an areawide WQM plan is a final agency action, and any appeal of that decision shall be taken to the Superior Court, Appellate Division pursuant to the New Jersey Court Rules.

SUBCHAPTER 4. WASTEWATER MANAGEMENT PLANS

7:15-4.1 Scope

(a) This subchapter establishes the requirements for the periodic preparation of wastewater management plans (WMPs). WMP components include wastewater service area mapping, a wastewater treatment capacity analysis, a nitrate dilution analysis, and potential strategies to address the potential capacity deficiencies.

(b) The components of a county-wide WMP may address the entire county or may be divided into chapters, with each chapter addressing an entire municipality within that county.

7:15-4.2 Development and submittal schedule

(a) WMP agencies shall submit WMPs as requests to amend areawide plans in accordance with the schedule specified in (b) and (c) below. WMPs shall be processed in accordance with the procedures specified in N.J.A.C. 7:15-3.5.

(b) A WMP meeting the requirements of this chapter shall be submitted no later than May 7, 2018, unless the WMP agency requests and is granted an alternative submission schedule in accordance with N.J.A.C. 7:15-3.4. A WMP prepared and adopted in accordance with the rules in effect as of July 7, 2008, will satisfy this submission requirement. A WMP component prepared and adopted in accordance with the 2008 rules, or P.L. 2011, c. 203, as amended and supplemented by P.L. 2013, c. 188, will be accepted as the comparable component for a WMP required pursuant to this chapter.

(c) Each WMP agency shall submit an updated WMP at least once every 10 years after the WMP submitted in accordance with (b) above. The WMP agency may submit an updated WMP prior to expiration of the 10-year period from the prior WMP. However, approval of an alternative submission schedule must be obtained from the Department in accordance with N.J.A.C. 7:15-3.4 to submit an updated WMP more than 10 years after the previously submitted WMP.

(d) If the WMP agency fails to submit a WMP in accordance with the time frames specified in (b) and (c) above and municipalities do not request WMP planning responsibility in accordance with N.J.A.C. 7:15-2.8 and submit a WMP, the Department may prepare and adopt WMP components for sewer service area mapping, wastewater treatment capacity analysis, and nitrate dilution capacity analysis for that area.

(e) Individual components of a WMP may be adopted, returned, or disapproved under N.J.A.C. 7:15-3.5 independent of other components or chapters; however, the minimum scale for these WMP components shall be an entire municipality.

7:15-4.3 Structure and content of wastewater management plans

(a) The requirements for each WMP component are set forth below. WMPs should be concise, using the minimum feasible narrative and mapping. All pages, tables, and figures in WMPs shall be legible and numbered. Specific requirements for these descriptions, maps, and analyses are set forth in N.J.A.C. 7:15-1.7 and this subchapter. A WMP shall contain:

1. A title page, identifying the name of the WMP, the WMP agency, and areawide WQM plan(s) affected, the date submitted, and a blank line for the adoption date (for use by the Department). Only the date of the most recent draft shall appear as the date submitted;
2. A table of contents identifying major text components, tables, figures, and maps, with page and map number references;
3. A brief summary of actions proposed in the WMP including a description of the number of acres added and/or subtracted from the area eligible for sewer service and strategies to address any potential capacity deficiencies identified in the wastewater treatment capacity or nitrate dilution analyses;
4. A narrative section with a description of the following:
 - i. The WMP area;
 - ii. Wastewater treatment facilities tables required under (b) below and relationships between and among municipalities and the wastewater treatment facilities;
 - iii. Descriptions of the information used to perform the build-out, wastewater treatment capacity, and nitrate dilution analyses required under N.J.A.C. 7:15-4.5 including, but limited to, the sources of the information, supporting, and background documentation and other factors considered in preparing the WMP;
 - iv. Results of the wastewater treatment capacity and nitrate dilution analyses required pursuant to N.J.A.C. 7:15-4.5; and
 - v. Strategies that demonstrate the potential to address capacity deficiencies identified through the analyses; and

5. Maps as required under (c) below.

(b) Wastewater treatment facility tables shall be prepared for each existing and anticipated wastewater treatment facility, and shall include the information listed below:

1. The name of the wastewater treatment facility;
2. Identification of whether the wastewater treatment facility is existing or is an anticipated wastewater treatment facility;
3. The name of the wastewater treatment facility owner and NJPDES permittee;
4. The physical location of the wastewater treatment facility including municipality, county, street address and lot/block;
5. The NJPDES permit number, if assigned. If the wastewater treatment facility has been assigned a NJPDES permit number but the final permit has not been issued, the word "pending" should follow the NJPDES permit number;
6. Identification of whether the wastewater treatment facility discharges or will discharge to surface water, ground water, or both;
7. The name of the receiving surface water body or aquifer;
8. Identification of the classification of the receiving surface water body or aquifer as specified in the Surface Water Quality Standards, N.J.A.C. 7:9B, or the Ground Water Quality Standards, N.J.A.C. 7:9C;
9. The discharge location (latitude and longitude or State Plane Coordinates) or planned discharge location (if known) for each existing NJPDES-regulated wastewater treatment facility and each wastewater treatment facility for which an NJPDES permit application is pending;
10. The flow identified in the NJPDES permit in millions of gallons per day. The flow shall be identified as to whether it is expressed as an annual average, maximum monthly average, 30-day average, daily maximum, or on some other basis. If the wastewater treatment facility does not have a final NJPDES permit, space shall be provided for insertion of the flow, once the permit is issued; and
11. Identification of the existing and projected population and/or development and wastewater flow to be served by the wastewater treatment facility during the planning period of 20-years for urbanized municipalities or at build-out for all other municipalities.

(c) Each WMP shall include the following maps:

1. WMP Area Map (Map No. 1). Where applicable, the following political and jurisdictional, boundaries, and features shall be identified on this map:
 - i. The WMP area boundary;
 - ii. Areawide WQM planning area boundaries;

iii. Municipal boundaries;

iv. The coastal area boundary, as described in N.J.S.A. 13:19-4, and the Department's Coastal Zone Management rules at N.J.A.C. 7:7-1.2(b) including the Hackensack Meadowlands District defined in N.J.S.A. 13:17-4;

v. The Pinelands Area and the Pinelands National Reserve; and

vi. The Highlands preservation area and the Highlands planning area.

2. Selected Environmentally Sensitive Features Map (Map No. 2). A composite map depicting each of the following environmental features in (c)2i through viii below based on the most current GIS layers available from the Department at the time of WMP submission. This map shall also state that "Development in areas mapped as environmentally sensitive features may be subject to special restrictions under Federal or State statutes or rules. Interested persons should check with the Department of Environmental Protection for the latest information. Depiction of environmental features shall be for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules."

i. Suitable habitat for endangered and threatened species as identified on the Department's Landscape Maps of Habitat for Endangered, Threatened and Other Priority Wildlife as Rank 3, 4 and 5;

ii. Natural Heritage Priority Sites;

iii. Surface waters, as mapped on the Department's graphic information systems (GIS) hydrography coverage;

iv. Category One waters designated in the Department's Surface Water Quality Standards, N.J.A.C. 7:9B, based on the Department's maps of such waters, and their corresponding 300-foot riparian zone based on the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13;

v. Coastal wetlands that have been mapped by the Department under the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.;

vi. Other freshwater and estuarine wetlands, based on maps prepared by the Department under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-25.c;

vii. Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Area; and

viii. Environmentally sensitive areas in which 201 Facilities Plan grant limitations prohibit the extension of sewer service, if available.

3. Wastewater Service Area Map (Map No. 3). Where applicable, the following regional planning area boundaries, wastewater-related jurisdictions, facilities, and wastewater service areas shall be identified on this map: