

# WQMP Rules

N.J.A.C. 7:15

NJDEP Office of Water Resource Management  
Coordination

# WQMP Rule Adoption

- Effective November 7, 2016
- Rule Proposal, Adoption and Final Rule (entire rule with changes on adoption incorporated) posted on web
- <http://www.nj.gov/dep/wqmp/guidance.html>

# Major Changes in Proposal

- Elimination of mandatory withdrawal of sewer service
- Gaps in wastewater treatment capacity
- Nitrate dilution analysis
- Flexibility in SSA (PA-1, T&E habitat, NHP sites)
- Flexibility in CAFRA areas for failing septic systems
- HIA Process
- Requirements moved to permitting stage
- Streamlined Revision and Amendment Process
- Consistency Determination deferred to Permitting

# Withdraw of SSA

- The WQMP rules will no longer authorize DEP to withdraw wastewater service area designations if the WMP agency fails to submit a timely WMP
- Department retains authority to develop WMP in areas where responsible WMP agency does not submit
- Adopted plans effective for 10 years
- N.J.A.C. 7:15-4.2

# Gaps in Treatment Capacity

- WMP agency still required to conduct a wastewater capacity analysis and determine future wastewater needs
- WMP agency **not** required to demonstrate that any identified deficiency between existing capacity and future wastewater needs has been resolved before WMP can be adopted
- N.J.A.C. 7:15-4.5(b)

# Nitrate dilution analysis

- Proposed rule still requires comprehensive build-out analysis based on current zoning to identify potential issues in meeting ground water antidegradation nitrate target of 2 mg/L on a regional basis
- Rules will no longer require downzoning as response to analysis concluding insufficient nitrate dilution capacity to achieve ground water standard
- Rules will also not require that the solution to insufficient dilution capacity be resolved before a WMP can be adopted
- N.J.A.C. 7:15-4.5(c)

# Flexibility with SSA-ESAs

- To include ESAs (except for NHP), the area must meet one of the following conditions
  - identified for growth in an endorsed plan approved by SPC
  - in Planning Area 1
  - to accommodate infill/ remove undulations
- The area cannot be critical to the survival of a local population of T&E species
- ESA included in SSA remain subject to permitting requirements
- N.J.A.C. 7:15-4.4(i)

# Flexibility with SSA-ESAs (HSD)

- Rebut ESA environmental data
  - Using an updated version of DEP Landscape map showing land is no longer mapped as suitable
  - Through an HSD showing T&E habitat is not suitable, or does not support the natural resources element
  - Through an LOI
  - Any other data showing DEP's GIS data is inaccurate
- Conduct HIA if habitat is suitable
- N.J.A.C. 7:15-4.4(j)



# HIA

- For T&E and NHP sites--can be included in SSA provided the project
  - Avoids T&E habitat
  - Will result in insignificant or discountable effects on the maintenance of local breeding, resting or feeding of T&E species

# HIA

- For T&E species only—to the extent the habitat cannot be avoided (except for ag dependent species), have conservation measures that will minimize to maximum extent practicable all adverse modification of suitable habitat, and
- Will mitigate for such adverse modification in a manner that provides for no net loss of habitat value of the T&E species, including the local population of that species.
- N.J.A.C. 7:15-4.4(k)

# Flexibility in SSA – ESAs (NHP)

- NHP may be included in ESA only if:
  - Avoids NHP site
  - Does not adversely impact natural resource element occurring within the NHP site
- Avoidance/No Adverse Impact is document by:
  - Habitat Suitability Determination, or
  - Habitat Impact Assessment
- N.J.A.C. 7:15-4.4(1)

# Flexibility in SSA-CAFRA

- Allows inclusion of portions of identified Coastal Planning Areas in sewer service area where necessary
  - To address imminent public health and safety issues
  - To accommodate infill development
  - To remove undulations to achieve a manageable SSA
- N.J.A.C. 7:15-4.4(f)

# Reqmts Moved to Permitting

- Non-point Source Pollution
  - Demonstration that municipal ordinances addressing stormwater runoff, riparian zones, and steep slopes have been enacted will occur at permitting
- Water Supply Analysis
  - Demonstration of sufficient water supply will occur at the permitting stage

# Revision Process

- Revision options
  - correct , clarify erroneous info—no significant changes
  - transfer WMP responsibility
  - change WMP submission schedules
  - update SSA map for Pineland Mgmt Areas
  - update SSA map for Highlands RMP map adjustment
- N.J.A.C. 7:15-3.4

# Site Specific Amendment Process

- Must be for specific project
- Two-tiered approach
  - For service area changes under 100 acres or 20,000 GPD flow, only capacity analysis necessary
  - For service area changes of 100 acres or greater, or greater than 20,000 GPD flow,
    - increased public engagement –notification to those whose SSA is changing
    - capacity analyses would be required for SSA
- N.J.A.C. 7:15-3.5

# Consistency Determinations

- Moved to permitting stage
- Consistency – In/Out of SSA
  - If outside SSA, project is subject to WQMP review at NJAC 7:15 via the standard application process
  - If in SSA, environmental standards (i.e. meeting water supply, nonpoint source pollution, treatment capacity) would be determined through relevant permitting programs
- N.J.A.C. 7:15-3.2



# Web Updates

- Our Team
- Application Process
- Facility and Flow Data
- Urbanized Municipalities
- Workshop Materials
- <http://www.nj.gov/dep/wrm/index.html>

# Listserv

- A source for public notification of WQMP amendments
- <http://www.nj.gov/dep/wqmp/subscribe.html>

# Contact Info

Colleen Kokas, Director  
Office of WRM Coordination  
Colleen.Kokas @dep.nj.gov  
(609) 633-1499