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cc: Mayor
Adm.
Council
DPW

MUSCONETCONG SEWERAGE AUTHORITY

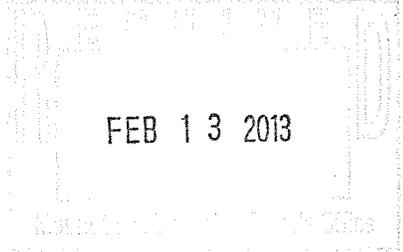
110 Continental Drive
Budd Lake, New Jersey 07828

Phone: (973) 347-1525

Fax: (973) 347-8356

MEMORANDUM

TO: Mayor and Council, Borough of Netcong
Mayor and Council, Township of Roxbury
Mayor and Council, Borough of Mount Arlington
Mayor and Council, Township of Mount Olive
Mayor and Council, Borough of Stanhope
Mayor and Council, Township of Byram
Mayor and Council, Borough of Hopatcong



FROM: Susan Grebe, Administrative Assistant

SUBJECT: Proposed Amendment to the Sussex Cty Water Quality Mgmt (WQM) Plan
Sussex County Future Sewer Service Area Map

DATE: February 11, 2013

Sussex County has requested a written statement of consent from the MSA for the proposed WQM plan amendment. The NJDEP is seeking public comments on those portions of the proposed amendments for the entire area of Sussex County and areas of the Morris County FWSA map for the Sussex County WQM Plan (only those portions of Mount Arlington Borough, Netcong Borough, Roxbury Township and Jefferson Township). Please review the attached correspondence and forward your comments to the MSA by February 28, 2013 so that they may be incorporated into our response.



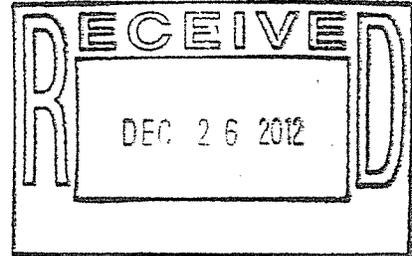
DEPARTMENT OF ENGINEERING AND PLANNING
Division of Planning
Sussex County Administrative Center
One Spring Street
Newton, N.J. 07860
Tel. 973-579-0500
FAX 973- 579-0513
E-mail: esnyder@sussex.nj.us

Eric K. Snyder, AICP, PP
Director

County of Sussex

20 December 2012

Chairman Steve Rattner
Musconetcong Sewerage Authority
110 Continental Drive
Budd Lake, N.J. 07828



RE: Sussex County Future Sewer Service Area Map
Proposed Amendment to the Sussex County Water Quality Management (WQM) Plan
Netcong, Roxbury, Jefferson and Mount Arlington

Dear Mr. Rattner,

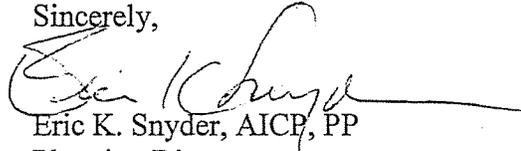
The purpose of this letter is to request a written statement of consent from your agency for the above-cited proposed WQM plan amendment. State of New Jersey regulations (N.J.A.C. 7:15) require that all governmental entities, sewerage agencies, and BPU related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, approval of the amendment proposal, shall be requested to issue a written statement of consent. In consideration of this requirement, the governing body of your agency is hereby requested to issue a statement of consent on the attached amendment proposal. A statement of consent by a governmental unit shall be in the form of a resolution by that unit's governing body.

Pursuant to N.J.A.C. 7:15-3.4, this written statement of consent is required within sixty days of your receipt of this letter. Enclosed, as an aid to you to ensure that the resolution is satisfactorily worded, is a "model" resolution. Should you determine that the governing body does not support the amendment proposal, it may submit a resolution to that effect, which shall specify the reasons why the amendment proposal is not supported. A copy of the resolution should be sent to us as well as to the New Jersey Department of Environmental Protection (DEP), Division of Watershed Management, P.O. Box 418, 401 East State Street, 7th Floor, Trenton, New Jersey 08625.

Please be aware that if you do not submit the requested resolution, the DEP maintains the option of considering approval of the proposed amendment. Therefore, it is in your best interest to submit a resolution defining your position so that the DEP may consider it in their decision-making process on the amendment proposal.

If you have any questions on this matter, please call me at 973 579-0500.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric K. Snyder", with a long horizontal flourish extending to the right.

Eric K. Snyder, AICP, PP
Planning Director

Enclosure

ATTACHMENT
STATEMENT OF CONSENT

A RESOLUTION CONSENTING TO THE PROPOSED WATER
QUALITY MANAGEMENT (WQM) PLAN AMENDMENT
ENTITLED: SUSSEX COUNTY WATER QUALITY MANAGEMENT PLAN

WHEREAS, the _____ desires to provide for the orderly development of wastewater facilities (substitute other wording if appropriate) within _____; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on 7 January 2013 for the Sussex County Water Quality Management Plan – Morris County Future Sewer Service Area Map (Roxbury, Netcong, Mount Arlington and Jefferson only) has been prepared by the County of Morris;

NOW, THEREFORE, BE IT RESOLVED on this _____ day of _____, 20____, by the governing body of the _____ that:

1. The _____ hereby consents to the amendment entitled _____, and publicly noticed on _____, prepared by _____, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

I do hereby certify that the foregoing is a true copy of a Resolution passed by _____ at a meeting duly held on _____.

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION
DIVISION OF COSTAL AND LAND USE PLANNING

Proposed Amendment to the Sussex County Water Quality Management Plan – Morris and Sussex Counties

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on proposed amendments to the Sussex County Water Quality Management (WQM) Plan. In accordance with the Sussex County WQM Plan approved amendment procedure, a public hearing and comment period will be held for portions of a future wastewater service area (FWSA) map for Morris County that are within the Sussex County WQM Plan and a FWSA map for Sussex County. In particular, the Department is seeking public comment on those portions of the proposed amendments for the **entire area of Sussex County and areas of the Morris County FWSA map wholly within the Sussex County WQM Plan (only those portions of Jefferson Township, Mount Arlington Borough, Netcong Borough and Roxbury Township.)** A map of the boundary locations of the WQM Planning areas and the respective municipalities is available for review on the Department website under Featured Topics at <http://www.nj.gov/dep/wqmp/wmpnotices.html>.

A separate public hearing and comment period was held on August 13, 2012, on those portions of a FWSA map for Morris County that are within the Northeast, Upper Raritan and Upper Delaware WQM Plans (all of Morris County with the exception of Jefferson Township, Mount Arlington Borough, Netcong Borough and Roxbury Township.) Notice of the proposed amendment, public hearing and comment period appeared in the New Jersey Register on July 2, 2012, at 44 N.J.R. 1919(a) and was published in the Star Ledger and Daily Record newspapers on the same date.

These amendment proposals, submitted on behalf of the Boards of Chosen Freeholders of Morris County and Sussex Counties as the responsible Wastewater Management Planning Agencies, would adopt FWSA maps for the four municipality portion of Morris County and all of Sussex County. These maps have been prepared pursuant to the WQM Planning rules, N.J.A.C. 7:15, and P.L. 2011, c. 203 (enacted on January 17, 2012,) which permits the Wastewater Management Planning Agency to prepare and submit to the Department at least that portion of a wastewater management plan designating sewer service area, which shall comply with the Department's regulatory criteria. If adopted, these maps, titled "Future Wastewater Service Areas (FWSA,) Morris County New Jersey," and "Future Wastewater Service Areas (FWSA), Sussex County" will supersede all wastewater service area mapping contained in the WQM Plan for Sussex County and for areas within Morris County served by wastewater treatment facilities located within and outside of Morris County currently contained in the Sussex County WQM Plan, including that which was adopted as part of an approved WMP.

The FWSA map identifies areas to be served by sewage treatment facilities/sewer systems as well as areas to be served by septic systems with design flows of equal to or less than 2,000 gallons per day. The proposed maps modify the previously approved sewer service areas to eliminate environmentally sensitive areas that are not currently connected to sewer systems, as well as removes areas from sewer service based on local planning initiatives. Additionally, new areas have been proposed for sewer service based on local planning initiatives. This proposed amendment only modifies the wastewater service area mapping portions of the above referenced WQM Plan.

Pursuant to P.L. 2011, c 203, the Department, in consultation with the applicable wastewater management planning agency, may approve the inclusion of land within a sewer service area notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modification. Therefore, amendments to update a sewer service area may be approved if such actions are compliant with the applicable sections of the Water Quality Management Planning rules (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. Additional issues which

may need to be addressed for any new or expanded wastewater treatment facility proposal include, but are not limited to, compliance with stormwater regulations, antidegradation, effluent limitations, water quality analysis and exact locations and designs of future treatment works. Additionally, sewer service to any particular project is subject to contractual allocations between municipalities, authorities and/or private parties and is not guaranteed by this amendment.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas have been assessed to determine what areas are appropriately included in the proposed sewer service areas. The Department and Morris County have held numerous meetings with municipal officials and affected agencies over the past four years. Further, in accordance with Administrative Order No. 2010-03, signed by Commissioner Martin, a public meeting was held on February 9, 2011, to allow public review and comment on the then-current draft of Morris County SSA.

The Department and Sussex County have held numerous meetings regarding the delineation of the FWSA with municipal officials and affected agencies over the past four years. Further, in accordance with Administrative Order No. 2010-03 (AO #2010-3) signed by Commissioner Martin, a public meeting was held on March 15, 2010, to allow public review and comment on the then-current draft of Sussex County's map. As a result, the Department and the County have received continuous input from residents, municipal officials, and other affected agencies regarding mapping corrections and other issues.

Pursuant to N.J.A.C. 7:15-5.24, environmentally sensitive areas are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species (Landscape Project,) Natural Heritage Priority Sites, Category One special water resource protection areas and wetlands, alone or in combination.

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine areas designated as threatened or endangered species habitat, the Department utilized the Landscape Project, versions 2.1 and 3.0, as applicable. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species are not included in the proposed sewer service areas except as provided

under N.J.A.C. 7:15-5.24(e) through (h), or unless a site has undergone a site specific Habitat Suitability Determination prepared in accordance with N.J.A.C. 7:15-5.26 that found the site to be not suitable habitat, or pursuant with N.J.A. C. 7:15-5.24(g)2, the Department determined the environmentally sensitive area are not critical to a population of endangered or threatened species the loss of which would decrease the likelihood of the survival or recovery of the identified species.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not included in the proposed sewer service area, except as provided under N.J.A.C. 7:15-5.24(e) through (h).

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along Category One waters and their tributaries are not included in the proposed sewer service areas, except as provided under N.J.A.C. 7:15-5.24(e) through (h). The required buffer width is applied to both sides of a stream measured from the top of bank of an intermittent or perennial stream, or centerline if the bank is not defined, and from the defined edge of a lake, pond or reservoir at bank-full flow or level. Category One waters, their tributaries and all Highlands waters, are afforded a 300-foot buffer. In addition, s required under N.J.A.C. 7:15-5.20(b)3, the proposed FWSA map text indicates that development in riparian zones, or designated river areas, may be subject to special regulation under Federal or State statutes or rules. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act rules, the Highlands Water Protection and Planning Act rules, the Stormwater Management rules and the Water Quality Management Planning rules. Most development within these riparian zones is limited by these regulatory programs.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetland pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not included in the proposed sewer service area, except as provided under N.J.A.C. 7:15-5.24(e) through (h).

In accordance with N.J.A.C. 7:15-5.24(d), areas with Federal 201 grant limitations that prohibit the extension of sewers to serve development in these areas are excluded from the proposed sewer service area either where local mapped information exists delineating these areas, or through a narrative description where mapping does not exist. Where a narrative approach has been used, it is noted as text on the proposed FWSA map. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this document and compliance is required.

As provided under N.J.A.C. 7:15-5.24(e) through (h,) limited environmentally sensitive areas have been included in sewer service areas. Where applicable, Department Permits or Jurisdictional Determinations have been utilized to determine the extent of the sewer service area on individual lots.

In accordance with N.J.A.C. 7:15-3.10, the Highlands Council will be provided an opportunity to review the proposed amendment within the Highlands Region for consistency with the adopted Regional Master Plan (RMP.)

This preliminary notice represents the Department's determination that the Counties' proposed sewer service areas are in compliance with the regulatory criteria for identifying sewer service areas pursuant to N.J.A.C. 7:15-5.24. In accordance with P.L. 2011, c. 203, the Department will accept site specific amendment and revision applications. Information regarding application for these amendments and revisions can be found at <http://www.nj.gov/dep/wqmp/applications.html>.

Approval of these amendments will not eliminate the need for any permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over any project/activity. Approval of these amendments does not provide any implied approval for any other aspects of any project or needed permits and approvals.

This notice is being given to inform the public that plan amendments have been proposed to the Sussex County WQM Plan. All information related to the WQM Plan and the proposed

amendment is located at the Sussex County Department of Engineering and Planning, Division of Planning, Sussex County Administrative Center, One Spring Street, Newton, New Jersey 07860, and the Department, Division of Coastal and Land Use Planning, P.O. Box 420, Mail Code 401-07C, 401 East State Street, Trenton, New Jersey 08625. The Department's file is available for inspection between 8:30 A.M. and 4:30 P.M., Monday through Friday. An appointment to inspect the Department's file may be arranged by calling the Division of Coastal and Land Use Planning at (609) 984-6888.

A **public hearing** will be held by the Sussex County Board of Chosen Freeholders on the proposed Sussex County WQM Plan amendments at which time all interested persons may appear and shall be given an opportunity to be heard. The public hearing will be held on Wednesday, February 13, 2013, from 5:00 P.M. until 8:00 P.M., or until close of testimony, whichever occurs sooner, in the Freeholder Meeting Room, Sussex County Administrative Center, One Spring Street, Newton, New Jersey.

Interested persons may submit written comments on the amendment to WQM Program Docket, Division of Coastal and Land Use Planning, at the Department address cited above. A copy of the comments should be sent to Ms. Christine Marion, Planning Director, Morris County Department of Planning and Development, Morris County Planning Board, P.O. Box 900, Morristown, New Jersey 07963-0900, and to Mr. Eric Snyder, Planning Director, Sussex County Department of Engineering and Planning, at the address cited above, as applicable. All comments must be submitted within 15 days following the public hearing. All comments submitted prior to the close of the comment period shall be considered by the County and the Department in reviewing the amendment requests.

Eric K. Snyder, AICP, PP
Sussex County Planning Director
20 December 2012