

SOMERSET COUNTY PLANNING BOARD  
WASTEWATER MANAGEMENT PLAN UPDATE  
November 2010

County Planning Staff regularly attend the NJDEP's County WMP Coordination Meetings held monthly in Trenton. Recent meetings held in September and October of this year were led by Assistant Commissioner Marilyn Lennon, who has provided new guidance to Counties as well set forth the Department's priorities with regard to the completion of various aspects of the WMP Process as follows:

- 1) All Counties are being asked to complete the process of developing proposed draft updated Sewer Service Area Boundaries which have been vetted with their municipalities and "accepted" by NJDEP at this time.**

In Somerset County, the proposed updated Sewer Service Area (SSA) Boundaries for 17 of the County's 21 Municipalities have been vetted at the municipal level and "accepted" by NJDEP. "Delta Maps" illustrating the difference between the proposed updated SSA and NJDEP's previously adopted SSA have been posted on the County Planning Board's website, and the Property Owner Notification Process has been implemented for these towns. Issues regarding a few sites in two municipalities will hopefully be resolved so that Delta Maps can be release and the Property Owner Notification Process can move forward in the immediate future. Substantial work remains to be accomplished with regard to one municipality. For the fourth/final municipality, which is a "Highlands Opt-in" Municipality, the County hopes to receive the proposed updated SSA boundaries from the Highlands Council shortly. The Highlands Council and NJDEP have reached an agreement that the SSA boundaries and Wastewater Management Plan (WMP) chapter for conforming municipalities will be prepared by the Highlands Council.

- 2) NJDEP has made completion of the Public Meetings concerning the draft proposed updated SSAs to be held in each county pursuant to NJDEP Administrative Order No. 3-2010 by April 2011 its top priority.**

The Somerset County Planning Board has scheduled this meeting for January 20, 2011, pending confirmation of availability of NJDEP staff. Formal announcement of this meeting will be issued shortly by the County Planning Board and meeting notices will be published in the County's major newspapers by NJDEP 30 days in advance of the meeting. This will be a "working" meeting where concerned property owners will visit computer stations manned by County Planning and NJDEP Staff who will access the various GIS data layers and provide on the spot guidance. Prior to this meeting, County Planning Staff will refine the Delta Maps to include corrections that were identified and agreed to by municipalities and NJDEP during the property owner notification process. Maps illustrating the proposed updated SSA boundaries must be available for public review on the County's website 60 days prior to the meeting.

- 3) Once the meetings are held, Counties and Municipalities will be required to focus on completing the following tasks:**
  - a. Preparation of the environmental Build-out and capacity analysis for non-urban municipalities

- b. Completion of projections for urban municipalities
- c. Adoption of the required overlay ordinances and septic management work plan
- d. Identification of engineering and/or policy solutions to sewer and septic area capacity constraints
- e. Preparation of the Draft WMP Document including Maps, Text and Tables for submission to NJDEP. (Although submission is required by April 7, 2011, completion of the Plan is subject to resolution of a number of remaining technical and policy issues by NJDEP as well as timely cooperation by the County's municipalities and intensified efforts by County Planning Staff).

In support of these upcoming tasks, NJDEP is working on refinements to the Nitrate Dilution aspects of the Build-out Model. The Nitrate Standard and its application in the WMP process have been submitted to the NJDEP's Scientific Oversight Committee for review. County Planning Staff have obtained the NJDEP Model Builder Application and has completed preparation of the majority of the GIS data layers for each non-urban municipality necessary to produce build-out results. Questions regarding the status of the data layers for specific municipalities should be directed to Galina Chernikova. Timely municipal assistance in finalizing outstanding data layers is essential.

The preparation of 20-year projections is underway for the County's non-urban municipalities for which a model-generated build-out analysis is not required by NJDEP. They will take into account adopted redevelopment plans and approved undeveloped projects. These will be submitted for municipal review and verification shortly.

NJDEP has accepted Somerset County's recommended use of Lidar data for identifying the municipalities where steep slope ordinances are applicable. It was also determined that all municipalities are not required to adopt dry conveyance ordinances. These ordinances are applicable in certain municipalities under limited circumstances. Each of NJDEP's model overlay ordinances have been posted on the County's website, along with the model Septic Management Work Plan developed by the County and approved by NJDEP.

Somerset County has requested that NJDEP allow WMPs to identify wastewater solutions and implementation strategies that address capacity constraints. Currently, the WQMP Rules mandate that future wastewater flows cannot exceed existing Treatment Plant Capacity. Written policy guidance from NJDEP on this matter has been requested.

Highlands consistency policy issues have not yet been resolved by NJDEP. As such, the County will be recommending to NJDEP that the Proposed Updated SSAs be submitted by NJDEP to the Highlands Council for consistency review once the public meeting is held, and that the proposed updated sewer service area boundary serve as the basis for updates to the Highlands RMP.

#### NJDEP Reorganization:

We were informed yesterday that some divisions within the NJDEP have been consolidated and placed under new leadership, including the Division of Watershed Regulation. The Wastewater

Planning Process and State Plan coordination functions will now be headed by Elizabeth Semple, under the direction of Tom Micai.

Proposed Legislation:

A State Planning Reform Bill currently being prepared by the OAL, which is supported by the NJ Smart Growth Coalition comprised of 38 groups throughout the State, including the NJ Builders Association, includes a provision to freeze the WMP Process until a new State Plan is developed. There is a consensus among County WMP entities that freezing the WMP process would be inappropriate due to the significant investments made over the past 3 years, the time sensitive nature of the work completed and the federal compliance issues. County Planners met with the Smart Growth Coalition and expressed their opposition to this provision in October 2010. This opposition is based on the time-sensitive nature of the extensive data and mapping work accomplished thus far, which will become outdated and lose value, as well as the loss of millions of dollars in investments already made by Counties and Local entities in the WMP Process, as well as recognition for the important role WMPs serve in guiding future development.