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State of New Jersey  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN S. CORZINE  
Governor

Division of Watershed Management  
Bureau of Watershed Regulation  
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LISA P. JACKSON  
Commissioner

**CERTIFIED MAIL 7005 1180 0004 0865 3212**  
**RETURN RECEIPT REQUESTED**

MAY 29 2007

Gerald D. Philkitt  
Holland Township Engineer  
Studer and McEldowney, P.A.  
120 West Main Street  
Clinton, New Jersey 08809

Re: Proposed Holland Township Wastewater Management Plan  
Hunterdon County  
Watershed Management Areas 1 and 11  
Upper Delaware Water Quality Management Plan

Dear Mr. Philkitt:

During a meeting at the Office of Smart Growth discussing Holland Township's petition for Plan Endorsement on April 27, 2007, Nick Angarone, from the Department of Environmental Protection's (Department) Office of Planning, identified ordinances that are required to be adopted prior to adoption of the Holland Township Wastewater Management Plan. These ordinances are intended to provide sufficient protections to the Township's natural resources in order to offset the impact to those resources within the Township's proposed sewer service areas. At that meeting, Peter Craig, Chairman of the Township Planning Board, and Elizabeth McKenzie, Township Planning Consultant, agreed to these ordinances in concept. In addition, Ms. McKenzie noted that the Township Committee is already reviewing an Environmental Impact Assessment ordinance that may meet the requirements of the Environmental Assessment ordinance required by the Department. Ordinances required for adoption by Holland Township prior to adoption of the Wastewater Management Plan are listed below:

- Environmental Assessment ordinance and Environmental Assessment Checklist. This ordinance and related checklist would apply to all development in the municipality (major site plans and subdivisions), and, at a minimum, includes performance standards for vegetation and landscaping, and wildlife habitat to protect critical natural resources. The required performance standards are outlined in the Environmental Assessment Ordinance Language previously provided to the Township by Nick Angarone.

- Conservation Subdivision Design. This ordinance is intended to cluster residential development, resulting in a similar number of units while protecting natural resources and providing public open space for your community. This ordinance should preserve a minimum of 70% of the land area while allowing for clustering of development on the remaining 30%. The ordinance is intended to be optional, but could be mandatory across the township's unsewered areas; mandatory in certain zones; or mandatory in specific areas based on the existence of natural resources, at the municipality's discretion. Note that development based on Conservation Subdivision Design must still meet the requirements of the septic density requirements in the Wastewater Management Plan.
- Water Conservation ordinance. This ordinance sets water conservation guidelines that protect the community's drinking water supply, industrial and agricultural needs, recreational activities, and the natural systems that rely on specific water levels. The ordinance may address water use during drought conditions or on a daily basis throughout the year.
- Wellhead Protection ordinance. This ordinance will protect the public health, safety and welfare through the protection of ground water resources underlying the municipality to ensure a supply of safe and healthful drinking water.
- Riparian Conservation ordinance. Riparian lands adjacent to streams, lakes, or other surface water bodies that are adequately vegetated provide an important environmental protection and water resource management benefit. This ordinance seeks to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection, and maintenance of buffers along the surface water bodies.

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The Township may amend the Environmental Assessment language, Environmental Assessment Checklist, and Conservation Subdivision Design into its Subdivision and Site Plan ordinance, or they may be adopted as stand-alone ordinances, so long as they are referenced in the Township's Subdivision and Site Plan ordinance. Mr. Angarone will be contacting your Consulting Planner to discuss these ordinances shortly, if he hasn't already. We are happy to assist you in developing these ordinances, or providing technical review to ensure that they are consistent with our requirements.

The Department may proceed to public notice of the Township's Wastewater Management Plan upon written commitment from the Township to adopt these ordinances. The ordinance's first reading at a public Township Committee meeting would demonstrate this commitment. However, please provide the draft language to the Department for review prior to proceeding to first reading. Should any of the above listed ordinances be addressed through the amending of existing Township ordinances, please be sure to submit the entire amended ordinance with the additional language highlighted so that the Department can review the changes within the proper context. In order to complete review of the Township's Wastewater Management Plan application in a timely manner, the Department believes that such a commitment should occur within 2 to 4 months.

In addition, the Department has completed the review of the proposed Holland Township Wastewater Management Plan (WMP) submitted in December of 2006 and associated

supplemental materials. The following concerns and issues have been identified, and will need to be addressed before the WMP can proceed to public notice:

1. The Department has completed the review of the habitat assessment for Block 5, Lot 61. The Department concurs with the Township's assessment that the site is not suitable habitat for Bobolinks; however, the Department is unable to disregard the site's suitability for wood turtle habitat. Although the primary habitat for Wood Turtle lies to the west of the subject property along a stream (a branch of the Hahokaka Creek), the subject property is close enough to the waterway to provide foraging and sheltering habitat and possibly even nesting habitat. Wood Turtles have been documented to range into upland areas at distances exceeding 1/2 mile.

The Department is willing to allow the Township to include this site in the sewer service area if mitigation for the loss of this habitat is provided. In this case, the Department has determined that acceptable mitigation would be the permanent preservation of developable land within the primary Wood Turtle habitat, contiguous to the stream corridor, west of the subject property. Developable land would not include the already protected riparian corridor or other environmentally constraining features. In addition, the area which is to be preserved must be at least twice the size of the subject property.

2. The Department is in the process of adopting standards more protective of groundwater quality. In order to be in compliance with these new standards, the Department encourages the Township to use a nitrate dilution target of two parts per million in the nitrate dilution analysis. The acres per system can be averaged on a HUC 11 basis, and the Department has a new model available on the Division of Watershed Management's (DWM) website at <http://www.nj.gov/dep/watershedmgmt/rules.htm> to facilitate this process.
3. As per the Department's Instructions and Guide to WMP Format and Content (Instructions), which can also be found at the website identified above, the "Summary Table of Significant Actions" should include a complete list of the Environmental Assessment Analyses that were performed as part of the WMP.
4. The permitted flow (number 11 on the facility table) associated with NJ0031372 is 0.014 MGD. The permitted flow associated with NJG0140619 is 0.028 MGD. Please correct facility tables #7 and #8 respectively to reflect this.

If necessary, please contact the facilities directly for existing and planned flows and number of employees. Facilities that are not currently in operation should have a "Present Flow" of zero, and, if the facilities have no current plans for reactivation, the "Future Flow" should also be zero. For questions on NJPDES DSW facilities, please contact the Division of Water Quality (DWQ), Bureau of Point Source Permitting (BPSP) Region 1 at (809) 633-3868 and for NJPDES DGW permits, please contact the DWQ, Bureau of Nonpoint Pollution Control (BNPC) at (809) 633-7021. Permit information can also be located using the Data Miner Program on the Department's website at <http://www.nj.gov/dep/opra/online.html>.

5. There are numerous discharge locations listed on page 24 for the Gilbert Generating Station; however it is not clear which locations are for process wastewater and which are for cooling water. There is also no discharge information provided for these locations. Please update.
6. As stated in the instructions, the Environmental Assessment Analyses should be submitted in a separate document with the results and strategies to address the findings of the analyses discussed in the WMP.
7. As stated in the instructions, all mapping should be submitted with a USGS quadrangle base and at a scale of 1:24,000. This may require a change in color for the parcels on the SSA maps. The USGS quadrangle base is not required on the zoning map or on the environmental features map if the result is an illegible map.
8. All water bodies should be clearly labeled on all maps.
9. As per the instructions, both the Highlands Planning Area and Preservation Area should be clearly identified on at least one of the Environmental Features maps. In addition, all of the Environmental Features maps should include the following note per the instructions:

"Development in areas mapped as wetlands, flood prone areas, designated river areas, or other environmentally sensitive areas may be subject to special regulation 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 is for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules."

The Department must receive six copies of a complete submission, satisfactorily addressing all of the concerns found in this letter, including text, tables, all required environmental analyses and maps, within ninety (90) days of the date of this letter, or this proposed WMP will be disapproved. In addition, please forward a copy of all future submissions to the Highlands Council for review. If you have any further questions or require additional information, please contact Neal Ferrar at (609) 984-6888.

Sincerely,



Terry Pilawski, Chief  
Bureau of Watershed Regulation

Cc: Holland Township Clerk  
Deborah Bechtel, NJDEP, DWM, BWR

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Nick Angarone, Policy Planning and Science  
Margaret Matlosz, NJDEP, DWM, BWR  
[REDACTED] NJDEP, DWM, BWR