

NJ Department of Environmental Protection



State Development & Redevelopment Plan Plan Endorsement Opportunities & Constraints Analysis

for:

Newton Town, Sussex County

March 6, 2008

This document constitutes the Department of Environmental Protection's component of the State Opportunity and Constraints Assessment conducted as part of the Plan Endorsement process. This document should serve as a baseline to inform the rest of the Plan Endorsement process. This document provides a general overview of the Department's regulatory and policy concerns within Newton. While all efforts have been made to address all major issues, the ever evolving nature of regulatory programs and natural conditions dictates that the information contained within this document will need to be updated on a regular basis. No portion of this document shall be interpreted as granting any specific regulatory or planning approvals by the Department. This document is to be used solely as guidance for municipal planning purposes.

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2002 Land Use/Land Cover

The 2002 Land Use/Land Cover (LULC) dataset captures the state of the land use and natural land cover statewide. The land use/land cover data sets contain important land use data used in a wide variety of environmental analyses, including this analysis, as well as in other DEP programs. This data set is intended to serve as a resource for analysis rather than regulatory delineations.

This latest series is based on photography captured in the Spring of 2002 and were produced by visually interpreting color infrared photography. Every effort has been made to ensure that all land use data sets are as accurate as possible. However LULC data are not intended to substitute for on the ground jurisdictional boundaries.

Freshwater wetlands were first mapped under the New Jersey Freshwater Wetlands Mapping Program and were incorporated into the land use land cover datasets. The freshwater wetlands delineations in these data are for screening purposes only and are **not** regulatory. The Division of Land Use Regulation of the NJDEP determines the extent and final determination of freshwater wetlands in the State of New Jersey.

Based on this analysis, the following land use/land cover types, and their approximate acreages, are found in Newton:

TYPE	ACRES
AGRICULTURE	33.78
BARREN LAND	34.15
FOREST	528.55
URBAN	1209.025
WATER	19.54
WETLANDS	346.62

Attachments:

- Map - Land Use/Land Cover in Newton

Water & Wastewater Analysis

Sufficient water supply and the ability to treat wastewater are essential to any community. The following information on Water Availability and Wastewater Treatment should be used by the community to evaluate its ability to meet current and future demand for water and wastewater treatment. Using this information to plan for future development allows a municipality to estimate the number of people the current (and/or future systems) can sustain. It also provides a way for a municipality to determine where growth is most appropriate, taking into account where water can be treated and supplied.

Water Availability

The following information on Water Availability in Newton Town is based upon the best data readily available to DEP at the time of this analysis. This data should be used by Newton to inform its community vision and planning processes.

There are two (2) Public Water Supply Systems in Newton, each serving a portion of Newton's population. The Deficit/Surplus tables, and a map showing the systems locations within the municipality, are provided with this report.

PWSID	WATER SYSTEM NAME	POPULATION SERVED	WATER SYSTEM TYPE
1915001	NEWTON WATER & SEWER UTILITY	8,300	Community
1905004	SUSSEX CNTY HLTH-THE HOMESTED	100	Community

Newton Water and Sewer Utility - the Deficit/Surplus table for the Newton Water & Sewer Utility shows the available capacity for this system to be close to Water Allocation permitted limits.

Sussex County Health Division of The Homestead – no Deficit/Surplus table is available for this facility.

The Deficit/Surplus tables for Public Water Systems may be found on the Department of Environmental Protection, Division of Water Supply website at <http://www.nj.gov/dep/watersupply/pws.htm>. Not all Public Water Supply Systems will have associated Deficit/Surplus tables available on the Department's website. The website currently contains public water systems that have a demand greater than 100,000 gallons of water per day and have had some water main extension activity since January 1, 2002. For safe demand and firm capacity information not available on this web site please contact the Bureau of Water System and Well Permitting at 609-984-6831 or for water allocation information please contact the Bureau of Water Allocation at 609-292-2957.

Refer to [Firm Capacity and Water Allocation Analysis](#) document for a detailed description of the methodology used to calculate capacity limitations.

There are also multiple Non-Community Water Systems serving specific uses in Newton Town.

PWSID	WATER SYSTEM NAME	POPULATION SERVED	WATER SYSTEM TYPE
1915304	TUSCANY BISTRO	164	Noncommunity Transient

Newton Town's Self Assessment Report notes that the town's Vision Plan includes the development of approximately 350,000 square feet of mixed-use, 215,000 square feet of live-work space, 175,000 square feet of commercial, and 719 multi-family residential units. Such development would necessarily entail a significant increase in water consumption. (See attached Table 1 from N.J.A.C 7:10-12.6 for more information.) In order to provide water to any growth/project in the town (greater than 6,000 gpd), Newton Town Water Utility would need to apply for a water main extension permit. If the demand can't be met by the existing Water Allocation Permit (#5225), the water main extension would not be granted. If the project is to be pursued, there would remain two options: 1) apply to modify the existing Water Allocation Permit, or 2) contract for water from another purveyor (if applicable).

Attachments:

- Deficit/Surplus table – Newton Water and Sewer Utility
<http://www.nj.gov/cgi-bin/dep/watersupply/pwsdetail.pl?id=1915001>
- Map - Water Purveyor Areas
- N.J.A.C. 7:10-12.6 Table 1

Wastewater Treatment

The following information on Wastewater Treatment in Newton is based upon the best data readily available to DEP at the time of this analysis. This data should be used by Newton to inform its community vision and planning processes.

There is one DEP-regulated wastewater facility serving Newton: the Newton Wastewater Treatment Plant - NJPDES permit number NJ0020184. The annual average flow for this facility in 2006 was 1.0453 mgd; the permitted flow for this facility is 1.4 mgd. As such, approximately one-quarter of the permitted flow for this facility remains available to support development in the service area. Based on the assumption that a residential unit uses 300 gpd, the remaining flow for this facility could accommodate approximately 1,182 new residential units. The Newton Wastewater Treatment Plant service area includes the majority of land area within Newton.

Amendments to the Groundwater Quality Standards (N.J.A.C. 7:9C) have recently been proposed. The primary amendment related to this analysis is the proposal to establish 2 mg/L (or parts per million, or ppm) nitrate as representative of the existing ground water quality statewide, for the purpose of evaluating compliance with the antidegradation policy at N.J.A.C. 7:9C-1.8(a). Currently, the adopted Groundwater Quality Standard for nitrate is 5.2 mg/L. The implications of this proposal are that the Department will not approve a wastewater plan amendment unless the Department first determines that the existing ground water quality of 2 mg/L nitrate will be maintained on a HUC 11 watershed basis. Based on this proposal, the Department has developed a "septic density" for each HUC 11 watershed in the State that identifies what the *comparable residential zoning density* would be in order to meet the groundwater quality goal. Note that the Department does not recommend uniformly zoning at these densities across the HUC 11 watershed. DEP intends this comparable residential zoning density to represent the total number of units that, if built, would not result in a degradation of groundwater quality by exceeding the 2 mg/L nitrate limit. Instead, the Department advocates center-based development, clustering, and protection of environmental features and agriculture land.

Newton falls within two (2) HUC11 watersheds – Paulins Kill (above Stillwater Village) (HUC11-8) and Pequest River (above and including Bear Swamp) (HUC11-19). The following table indicates the residential density allowed under the two different nitrate limits.

	5.2 mg/L nitrate limit	2 mg/L nitrate limit
Paulins Kill (above Stillwater village) HUC11-8	1.9 acres/residential unit	4.8 acres/residential unit
Pequest River (above and including Bear Swamp) HUC11-19	1.7 acres/residential unit	4.5 acres/residential unit

Water Quality Management Plan - Sewer Service Area Mapping

The Department has proposed amendments to the Water Quality Management Planning rules identifying the conditions where extension of sewer service is not appropriate.

N.J.A.C. 7:15-5.24 sets forth the general policy that large contiguous areas of environmentally sensitive resources, coastal planning areas where the extension of sewers would be inconsistent with New Jersey's Coastal Zone Management program, and special restricted areas that are prone to natural hazards such as flooding, wave action and erosion should not be included in sewer service areas. The limitations on the extension of sewer service in these areas is consistent with the Department's mandate to protect the ecological integrity and natural resources of New Jersey, including water, threatened and endangered species, wetlands and unique and rare assemblages of plants.

Centralized wastewater is inappropriate for these areas because it subsidizes and otherwise encourages development in and around these natural resources at a density that is inconsistent with their protection and the environmental protection mandate of the Department. The Department has determined that the appropriate wastewater management alternative for these areas is individual subsurface sewage disposal systems that discharge less than 2,000 gallons per day, typically thought of as septic systems. Therefore, though excluded from the extension of sewer service, these areas have a wastewater management alternative that will promote a density of development consistent with the conservation of these resources.

In establishing the criteria for delineating a sewer service area boundary in consideration of environmentally sensitive areas, the Department identifies environmentally sensitive areas that are not appropriate for sewer service area as any contiguous area of 25 or more acres that contains any or all of the following four features: threatened and endangered species habitats, Natural Heritage Priority Sites, Category One stream buffers, and wetlands. The Department determined that 25 acres was the appropriate size threshold based on a statewide GIS analysis showing that at least 90 percent of the environmentally sensitive features would be excluded from sewer service area, but that the threshold should be large enough to permit the reasonable application of zoning.

The Department is currently working with the County of Sussex through a pilot program in development of a county-wide Wastewater Management Plan based upon on the recent Water Quality Management Planning rules. Newton should coordinate with the County to ensure consistency between municipal planning and the County WMP.

Attachments:

- Sewer Service Areas in Newton Town - Map
- Nitrate Dilution Concentrate Target by HUC11 - Map

Environmental Constraints Analysis

The following section identifies those environmental constraints that should be considered by Newton in its planning efforts. These environmental constraints are divided into 3 sections - Regulated Constraints, Constraints to Avoid, and Constraints to Consider.

Regulated Environmental Constraints

Wetlands and Category One Waters are environmental constraints currently regulated by DEP. Newton should recognize these environmental constraints in its visioning and planning processes.

- Wetlands

Freshwater wetlands and transition areas (buffers) are regulated by the Freshwater Wetlands Protection Act rules (NJAC 7:7A). The Highlands rule (NJAC 7:38), which implements the Highlands Water Protection and Planning Act, prohibits nearly all disturbance within all wetlands within the Highlands Preservation Area.

Wetlands are commonly referred to as swamps, marshes, or bogs. However, many wetlands in New Jersey are forested and do not fit the classic picture of a swamp or marsh. Previously misunderstood as wastelands, wetlands are now recognized for their vital ecological and socioeconomic contributions. Wetlands contribute to the social, economic, and environmental health of our state in many ways:

- Wetlands protect drinking water by filtering out chemicals, pollutants, and sediments that would otherwise clog and contaminate our waters.
- Wetlands soak up runoff from heavy rains and snow melts, providing natural flood control.
- Wetlands release stored flood waters during droughts.
- Wetlands provide critical habitats for a major portion of the state's fish and wildlife, including endangered, commercial and recreational species.
- Wetlands provide high quality open space for recreation and tourism.

There are on-site activity limits on lands identified as wetlands. The NJ Freshwater Wetlands Protection Act requires DEP to regulate virtually all activities proposed in the wetland, including cutting of vegetation, dredging, excavation or removal of soil, drainage or disturbance of the water level, filling or discharge of any materials, driving of pilings, and placing of obstructions. The Department may also regulate activities within 150 feet of a wetland - called the transition area or buffer.

Land Use/Land Cover data based on 2002 aerial photography identifies approximately 285 acres of wetlands in Newton. It should be noted that these wetlands are based on aerial photo interpretation and are **not** appropriate for use in determining the true extent of wetlands on a specific site.

- Category One (C1) Waterbodies & Associated Buffers

Category One designations are established in the Surface Water Quality Standards (NJAC 7:9B) – specifically in the tables in N.J.A.C. 7:9B-1.15(c) through (g) - for purposes of implementing the antidegradation policies set forth at N.J.A.C. 7:9b-1.5(d). These waters are designated to provide for their protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, other characteristics of aesthetic value, exceptional ecological significance (habitat, water quality, and biological functions), exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resource(s).

The Department has proposed (May 21, 2007 NJ Register) to amend N.J.A.C. 7:9B-1.4 to revise the definition of “category one waters” and introduce new definitions for “Exceptional Ecological Significance”, “Exceptional Fisheries Resource(s)”, “Exceptional Water Supply Significance”, and “HUC 14”. In addition, the Department is proposing to upgrade the antidegradation designation of hundreds river miles to Category One throughout New Jersey.

The Stormwater Management rule (NJAC 7:8) is implemented through DEP Land Use and local regulation. The rule regulates development within 300 feet, and stormwater discharges within 150 feet, of Category One waterways and their tributaries, upstream within the same HUC14 subwatershed. The Stormwater rule establishes a 300-foot Special Water Resource Protection Area (SWRPA) along Category One (C1) waters and certain tributaries that applies only when a “major development” is proposed.

The recently adopted Flood Hazard Area Control Act (FHACA) rule (N.J.A.C. 7:13) (November 5, 2007 NJ Register) also establishes a 300-foot riparian zone along C1 waters and their upstream tributaries within the HUC-14. This FHACA rule applies to any activity that requires approval in the rule. The Riparian Zone under the FHACA rule is the land and vegetation both within a regulated waterbody and within either 50 feet, 150 feet or 300 feet from the top of bank of a regulated waterbody. Given the many important ecological functions that a healthy riparian zone provides, adequately preserving such areas is essential to protecting New Jersey's natural resources and water supply.

For the purposes of this analysis, the Department is providing generalized information and mapping of C1 waterbodies and associated buffers. This analysis should be used only as a general planning tool. Specific development proposals may be affected, consistent with the information provided above.

The following waterbodies within or adjacent to Newton are proposed for designation as Category one waters:

- Pequest River and tributaries

300 foot buffers on this waterbody constitute approximately 16.6 acres in Newton.

The Surface Water Quality Standards data used for this analysis is based on a DRAFT version released for general distribution as a preliminary product. NJDEP is releasing this draft version for public review and any potential data errors should be reported to the Department.

Attachments:

- Map – Wetlands and C1 Streams and Buffers

Environmental Constraints to Avoid

Threatened and Endangered Species Habitat and Natural Heritage Priority Sites are geographically-identified environmental constraints prioritized for protection by DEP's mandate to protect the ecological integrity and natural resources of New Jersey. DEP recommends avoidance of these areas, to the extent possible, in order to protect these ecosystems from degradation and destruction.

While Threatened and Endangered Species Habitat and Natural Heritage Priority Sites are not specifically regulated as such, the species and sites that are the basis for this information are considered in several DEP regulatory and planning programs - such as the Freshwater Wetlands Program, Water Quality Management Planning, and the Flood Hazard Area Control Act rule.

- Threatened & Endangered Species Habitat

The New Jersey Endangered Species Conservation Act was passed in 1973 and directed the New Jersey Department of Environmental Protection (DEP) to protect, manage and restore the state's endangered and threatened species. The DEP Endangered and Nongame Species Program (ENSP) has since become the voice for more than 400 species of wildlife in New Jersey, with success stories related to the Bald Eagle, the Peregrine Falcon, the Pine Barrens Treefrog, the Osprey, and others. There are currently 73 endangered and threatened wildlife species in New Jersey. Wildlife professionals within DEP's Endangered and Nongame Species Program oversee research, conservation and protection of rare wildlife species such as the bog turtle, great blue heron, piping plover, bobcat, and other animals that are struggling to survive here in New Jersey.

ENSP has developed the Landscape Project to identify and systemically map the habitat most critical for New Jersey's fish and wildlife populations. This tool is being used to gauge healthy ecosystems and help identify areas appropriate for protection while giving citizens and local government officials valuable scientific information about their municipalities. The Landscape Project ranks habitat patches by the status of the species present, as follows:

- **Rank 5** is assigned to patches containing one or more occurrences of at least one wildlife species listed as endangered or threatened on the Federal list of endangered and threatened species.
- **Rank 4** is assigned to patches with one or more occurrences of at least one State endangered species.
- **Rank 3** is assigned to patches containing one or more occurrences of at least one State threatened species.

There are approximately 655 acres of threatened and endangered species habitat in Newton. This habitat supports a wide range of species, including Bald Eagles, American Bittern, Blue-Spotted Salamander and Bobcat. The attached *Threatened & Endangered Species Habitat map* shows the extent of habitat in Newton (including habitat for priority species – Rank 2 – that are discussed below

in the ‘Environmental Constraints to Consider’ section). Please note that this data is based on DRAFT Landscape Project mapping that the Department expects to publicly release in the spring of 2008.

- Natural Heritage Priority Sites

Through its Natural Heritage Database, the DEP Office of Natural Lands Management (ONLM) identifies critically important areas to conserve New Jersey’s biological diversity, with particular emphasis on rare plant species and ecological communities. The database provides detailed information on rare species and ecological communities to planners, developers, and conservation agencies for use in resource management, environmental impact assessment, and both public and private land protection efforts. Using the database, ONLM has identified 343 Natural Heritage Priority Sites (NHPS), representing some of the best remaining habitat for rare species and rare ecological communities in the state. In addition, each NHPS includes a Biodiversity Rank according to its significance for biological diversity using a scale developed by The Nature Conservancy, the network of Natural Heritage Programs and the New Jersey Natural Heritage Program. The global biodiversity significance ranks range from B1 to B5. The state biodiversity significance ranks for sites in the Highlands Region range from V1 to V5. The specific definitions for each rank for NHPS in Newton are as follows:

B1 - Outstanding significance on a global level, generally the "last of the least" in the world, such as the only known occurrence of any element (species or ecological community), the best or an excellent occurrence of an element ranked critically imperiled globally, or a concentration (4+) of good or excellent occurrences of elements that are imperiled or critically imperiled globally. The site should be viable and defensible for the elements or ecological processes contained.

B3 - High significance on a global level, such as any other viable occurrence of an element that is globally imperiled, a good occurrence of a globally rare element, an excellent occurrence of any ecological community, or a concentration (4+) of good or excellent occurrences of elements that are critically imperiled in the state.

There are three (3) NHPS located within Newton Town, as follows:

SITE NAME	DESCRIPTION	BIODIVRANK	BIODIVCOMM
Muckshaw Ponds	Series of sinkholes and one larger pond surrounded by steep, wooded dolomite ridges.	B3	High quality assemblage of globally rare upland and wetland natural communities with nine State Endangered plants and one State Threatened animal.
Site 564	A shrub and herb dominated wetland surrounded by limestone ridges and mixed hardwood forest	B1	Contains significant natural community with numerous globally and state-imperiled plant/animal species.

	dissected by logging roads. The wetland comprises part of the headwaters of Stickle Pond to the southeast.		
Hyper Humus	A small herb and shrub dominated wetland and adjacent hardwood swamp forest and hardwood upland forest.	B3	The site contains a small example of a globally rare natural community, an occurrence of a globally rare animal, and several State Endangered plant species.

Attachments:

- Map - Threatened, Endangered & Priority Species Habitat and Natural Heritage Priority Sites

Environmental Constraints to Consider

Groundwater Recharge Areas, Wellhead Protection Areas, and Priority Species Habitat are geographically-identified environmental constraints recognized as important for the protection of water quality and biodiversity of New Jersey. DEP recommends avoidance of these areas, to the extent possible, in order to minimize the impact to water quality and species habitat.

- **Groundwater recharge areas**

Groundwater recharge areas are those sites where a high volume of precipitation and surface waters infiltrate into the soil and act to resupply surface and ground waters. Protection of these areas from over-development, and addressing stormwater runoff for these areas, directly affects the water quality of both drinking water supplies and water-based habitats.

The New Jersey Geological Survey (NJGS) has developed ground water recharge data sets using several data factors, such as land use patterns, impervious surface amounts, soil types, precipitation, and evaporation rates, among others, to calculate the amount of water each area of the state normally contributes to the underlying aquifers. The data are reported and mapped in several standard categories, in units of inches per year.

For the State Planning process, the original ground water recharge data, calculated for each Watershed Management Area, were converted to a volume-based rating, and then grouped into three classes to simplify further analysis, based on the percent contribution to the total recharge amounts. Those undeveloped areas contributing the highest one-third of the recharge volume in each Watershed Management Area were selected as high priority for protection. The final Ground Water Recharge layer used for this analysis includes all undeveloped areas in the state that were identified as contributing the highest one-third of the recharge volume in the appropriate Watershed Management Area.

There are approximately 266 acres of high volume groundwater recharge areas located within Newton.

- **Well Head Protection Areas**

Areas of land surrounding public community wells, known as Well Head Protection Areas, from which contaminants may move through the ground to be withdrawn in water taken from the well, have been delineated. Protection of the public health, safety and welfare through protection of ground water resources, ensures a supply of safe and healthful drinking water.

Well Head Protection Areas (WHPA) are mapped areas calculated around a Public Community Water Supply (PCWS) well in New Jersey that delineates the horizontal extent of ground water captured by a well pumping at a specific rate over a two-, five-, and twelve-year period of time for confined wells. The confined wells have a fifty foot radius delineated around each well that defines

the well head protection area, which must be acquired and controlled by the water purveyor in accordance with Safe Drinking Water Regulations (see NJAC 7:10-11.7(b)1).

WHPA delineations are conducted in response to the Safe Drinking Water Act Amendments of 1986 and 1996 as part of the Source Water Assessment Program (SWAP). The delineations are the first step in defining the sources of water to a public supply well. Within these areas, potential contamination will be assessed and appropriate monitoring will be undertaken as subsequent phases of the NJDEP SWAP. WHPA delineation methods are described in "[Guidelines for Delineation of Well Head Protection Areas in New Jersey](#)".

Updates for Public Community Water Supply Well Head Protection Areas are described in [Well Head Delineations Updates List](#).

A complete list of individual Public Community Water Supply Well Head Protection Area delineations are described in [Well Head Delineations List](#).

Approximately 2,087 acres of Newton Town are identified as Well Head Protection Area. Of those, 595 acres are in Tier One Well Head Protection Area.

- Priority Species Habitat

Similar to threatened and endangered species, the DEP Endangered Non-Game Species Program also considers "priority species." Priority Species are nongame wildlife that are considered to be species of *special concern* as determined by a panel of experts. These species warrant special attention because of some evidence of decline, inherent vulnerability to environmental deterioration, or habitat modification that would result in their becoming a Threatened species. This category would also be applied to species that meet the foregoing criteria and for which there is little understanding of their current population status in the state. The Landscape Project ranks habitat patches by the status of the species present, as follows:

- **Rank 2** is assigned to patches containing one or more occurrences of at least one non-listed State priority species.

There are approximately 335 acres of Priority Species Habitat located within Newton. Mapping showing Priority Species Habitat is included on the *Threatened & Endangered Species Habitat map*, as discussed earlier in the 'Environmental Constraints to Avoid' section.

Attachments:

- Map - Well Head Protection Areas and Groundwater Recharge Areas

Contaminated Areas Considerations

All New Jersey municipalities can be home to contaminated sites, whether the contamination comes from industrial, agricultural, retail, or even residential sources. The information provided in this section is intended to help municipal officials identify known contaminated areas and incorporate consideration of these areas into planning efforts. The existence of a contaminated area does not necessarily mean that it is inappropriate for development or redevelopment. Nonetheless, the severity of the contamination, the potential for remediation, and the potential impact on human health must be considered before development or redevelopment plans are underway.

Known Contaminated Sites List

The Known Contaminated Sites List for New Jersey 2005 includes those sites and properties within the state where contamination of soil or ground water has been identified, or where there has been, or there is suspected to have been, a discharge of contamination. This list of Known Contaminated Sites may include sites where remediation is either currently under way, required but not yet initiated or has been completed. The data included here dates from 2001. Additionally, new contaminated sites have been identified since the creation of this list and are not included here. For further information contact NJDEP's Site Remediation Program and Waste Management (SRWM) lead program, which are identified with each site listed in this data base. Contact information for SRWMs lead program can be acquired at <http://www.state.nj.us/dep/srp/kcs-nj/>.

Note: There are some sites found in the 'official' KSCNJ list that do not exist in the GIS mapped version. There were about 50 sites that either had poor address descriptions and could not be located accurately or are 'sites' that actually describe a case covering several locations and cannot be expressed by a single point. These problem sites were intentionally omitted from the GIS map.

There are twenty nine known contaminated sites in Newton. Of these sites, three have a remediation level of D, reflecting a higher level of potential environmental harm. D remedial levels are generally highly complex and pose a direct threat to human health. Characteristics include multiple contaminants, some at high concentrations, with unknown sources continuing to impact soils, groundwater and possibly surface waters and potable water resources. Direct contact with these contaminated soils is dangerous.

SITE NAME	SITE ADDRESS	SITE ZIP	PREF. ID	SITE LINK
108 HIGH STREET	108 HIGH ST	07860	130312	More Info
120 HIGH ST	120 HIGH ST	07860	G000061772	More Info
220 ANDOVER SPARTA ROAD	220 ANDOVER SPARTA RD	07821	214658	More Info
28 CLINTON STREET	28 CLINTON ST	07860	266497	More Info
3 CONDIT STREET	3 CONDIT ST	07860	143314	More Info
3 TOWNSEND STREET	3 TOWNSEND ST	07860	234571	More Info

31 PINE STREET	31 PINE ST	07860	166892	More Info
38 LINCOLN AVENUE	38 LINCOLN PL	07860-2608	237585	More Info
6 FRANKLIN STREET	6 FRANKLIN ST	07860-1604	237443	More Info
72 PLAINFIELD AVENUE	72 PLAINFIELD AVE	07860	226234	More Info
917 CEDAR DRIVE	917 CEDAR DR	07860	265278	More Info
AALERT TRANSMISSION SITE	48 RTE 206	07860	024972	More Info
ABLE ENERGY	198 GREEN POND RD	07860	219186	More Info
BMW 2-10 E CLINTON ST FACILITY	2 TO 10 EAST CLINTON ST	07860	030402	More Info
BOONTON TRANSPORT	62 RTE 206	07860	024971	More Info
CUMBERLAND GULF #061906	106 WOODSIDE AVE	07860	006347	More Info
ELIZABETHTOWN GAS CO*	DILLER AVE	07860	001041	More Info
HESS STATION 30266	77 WATER ST N	07860	008788	More Info
K&A SERVICE CENTER	86 MILL ST	07860	011968	More Info
LYNN CLEANERS INC	15 29 E CLINTON ST	07860	234693	More Info
MCKEEBYS LIQUOR STORE	17 CLINTON ST E	07860	G000010631	More Info
MUNICIPAL BUILDING OF NEWTON	39 TRINITY ST	07860	024764	More Info
NEWTON COAL GAS 2 (ETG)*	EAST CLINTON AVE	07860	G000005460	More Info
NEWTON MEMORIAL HOSPITAL	175 HIGH ST	07860	023659	More Info
NEWTON TOWN GARAGE	MORAN ST	07860	024766	More Info
SPRING REALTY	237 SPRING ST	07860	025901	More Info

Closed Sites with Restrictions

Site Name	Site Address	Site Zip	Pref. ID	Site Link
MOLECULAR REARRANGEMENT INCORPORATED*	69 TO 75 SPARTA AVE	07860	G000003882	More Info
MWD INC CLINTON GARAGE	RTE 206 N & CLINTON ST	07860	013522	More Info
SUSSEX CO PLUMBING & HEATING SUP	36 EAST CLINTON ST	07860	019481	More Info

*Indicates remediation level D

The Known Contaminated Sites in New Jersey report (<http://www.nj.gov/dep/srp/kcs-nj/>) is produced by NJDEP in response to N.J.S.A. 58:10-23.16-17 that requires preparation of a list of sites affected by hazardous substances. It also satisfies the Site Remediation Program's obligations under the New Jersey New Residential Construction Off-Site Conditions Disclosure Act (N.J.S.A 46:3C1 et seq.).

Known Contaminated Sites - Classification Exception Areas (CEA)

Classification Exception Areas are DEP designated areas of groundwater contamination meeting certain criteria and associated with Known Contaminated Sites or sites on the Site Remediation Program (SRP) Comprehensive Site List. CEAs are institutional controls in geographically defined areas within which the New Jersey Ground Water Quality Standards (NJGWQS) for specific contaminants have been exceeded. When a CEA is designated for an area, the constituent standards and designated aquifer uses are suspended for the term of the CEA. A public understanding of where groundwater is known to be contaminated can help prevent inappropriate well placement, preventing potential health risks and can minimize unintended contaminant plume migration. Contaminants of concern within a CEA record are described in one of two ways, either in a field named for the contaminant, e.g., benzene; or listed in a general contaminant field, e.g., VO.

The Department currently identifies five (5) CEAs within Newton:

- M.R.I. Corp. (2 CEAs at this site – one is CEA-VO)
- Newton Town Garage (CEA-VO)
- Sussex Co. Plumbing & Heating (CEA-VO)
- Spring Realty (CEA-VO)

For further information about Classification Exception Areas:

http://www.state.nj.us/dep/srp/guidance/cea/cea_guide.htm

Landfills

NJDEP maintains a list of landfills in the state, including active facilities, properly closed facilities, those being remediated with public funds, those proposed for redevelopment, and inactive landfills. The state has a landfill strategy to notify and work with owners or other responsible parties to bring into compliance inactive landfills that are out of compliance with closure requirements. Two organizations in NJDEP oversee landfill permitting, remedial, and closure work: the vast majority of operating and inactive landfills come under the jurisdiction of the Solid and Hazardous Waste Program in the Department's Environmental Regulation Program. Those landfills that are being remediated with public funding are overseen by the Site Remediation Program, as are sites that are proposed for redevelopment with any component of future use that might directly impact human health, including industrial, commercial or residential use.

Landfills often represent some of the largest tracts of potentially developable land that a municipality and/or county can include in its smart growth and planning efforts. Turning a former landfill into a beneficial use may then enable the protection of other sensitive areas in a community. Innovative uses of landfills include passive open space, active open space, renewable energy "farms" for wind turbines, gas collection and use, and/or solar collection, shopping centers, and mixed use developments.

The Department currently identifies one Solid Waste Landfill in Newton – the Newton Town Sanitary Landfill.

For questions regarding the redevelopment of landfill sites, please contact the Office of Brownfield Re-Use at (609) 292-1251.

Attachments:

- Map - Known Contaminated Sites (Note: This map does not show the extent of contamination, therefore a buffer should be placed around the site for planning purposes.)
- Map – Groundwater Contamination Areas

Preserved Lands & Historic Resources

Open space preservation helps to protect New Jersey's rich natural, historic, and cultural heritage. It ensures that animal and plant habitats are protected and that areas of scenic beauty and agricultural importance are preserved. It safeguards streams and water supplies and provides opportunities to enjoy the outdoors. Open space preservation lies at the core of the quality of life of New Jersey's communities - from the most urbanized cities to the most remote rural areas of the state. Besides enhancing the quality of life, protecting open space can provide economic benefits. It can help a community avoid the costly mistakes of misusing available resources. Protected open space usually raises the taxable value of adjacent properties and is less costly to maintain than the infrastructure and services required by residential development. Even taking into account the increased tax base that results from development, open space usually proves easier on the municipal budget in the long-run.

Historic preservation is the identification, evaluation, and protection of historic and archaeological resources so that they continue to play an integral, vibrant role in their communities. New Jersey's historic properties and the environment in which they exist are irreplaceable assets that contribute to the quality of life that residents enjoy and expect. Historic properties are the physical links to our past, providing meaning to the present and continuity with the future. They are the physical records of the events and people that shaped New Jersey's history. Historic properties add visual and intellectual spirit to the physical environment that New Jersey residents experience daily.

Preserved Lands

Based on the Department's records, the following two tables represent all of the preserved open space lands located in Newton. The total acreage of these lands is approximately 1,390 acres. DEP recognizes that its records may be incomplete or incorrect, and appreciates all assistance in keeping its records up-to-date.

State Owned Lands

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>APPROX. ACRES</u>
3603	26	PAULINSKILL RIVER	601.9
114	1	PAULINSKILL RIVER	285.1
160	5	SUSSEX BRANCH	21.4
802	39.01	PAULINSKILL RIVER	12.2
802	40	PAULINSKILL RIVER	1.6
1309	39	SUSSEX BRANCH	1.5
1306	39.01	PAULINSKILL RIVER	3.4
1309	18	PAULINSKILL RIVER	70.2
115	2	KITTATINNY VALLEY	6.8
115	1	PAULINSKILL RIVER	3.6
1309	37	PAULINSKILL RIVER	22.2
1310	13	SUSSEX BRANCH	1.7
160.01	1	SUSSEX BRANCH	1.4

Municipal, County and Non-Profit Owned Lands

<u>BLOCK</u>	<u>LOT</u>	<u>APPROX. ACRES</u>	<u>NAME</u>	<u>OWNER</u>	<u>TYPE</u>
801	16	32.72	MEMORY PARK DEV2	NEWTON TOWN	M
801	47	1.80	MEMORY PARK DEV2	NEWTON TOWN	M
801	29	2.23	MEMORY PARK DEV2	NEWTON TOWN	M
721	1	1.22	SUSSEX COUNTY PARK ADA	SUSSEX COUNTY	C
1001	1.01	70.13	Muckshaw Ponds Preserve	TNC	NP
1201	40	16.24	Sussex Swamp Preserve	TNC TAX# 1915-05-2319	NP
1201	4	10.76	SUSSEX SWAMP		NP
1201	26	36.45	SUSSEX SWAMP	TNC TAX# 1915-05-2319	NP
1201	25	24.02	SUSSEX SWAMP	TNC TAX# 1915-05-2319	NP
126	5	39.83	Sussex Swamp Preserve	TNC TAX# 1902-05-1715	NP
1217	23	10.27	SUSSEX SWAMP	TNC TAX# 1915-05-2319	NP
126	2	26.13	Sussex Swamp Preserve	TNC TAX# 1902-05-1715	NP
126	3	85.91	Sussex Swamp Preserve	TNC TAX# 1902-05-1715	NP

Type: M - Municipal; C - County; NP - Non Profit

Historic Resources

The NJ Historic Preservation Office administers a variety of programs that offer protection for historic properties. The HPO consults with federal agencies under Section 106 of the National Historic Preservation Act for federally funded, licensed or permitted projects. At the state level, the New Jersey Register of Historic Places Act requires that actions by state, county, or local governments, which may impact a property listed in the New Jersey Register of Historic Places, be reviewed and authorized through the HPO. The HPO also provides advice and comment for a number of permitting programs within the Department of Environmental Protection, including some permits required under the [Land Use Regulation Program](#).

The most effective way to protect historic resources and promote our architectural and archaeological heritage is through local stewardship. When implemented at the local level, historic preservation activities may take the form of master plan elements, comprehensive zoning ordinances, regulated code enforcement, or public education and outreach programs. Local initiatives have far reaching effects on preserving historic resources for future generations. The HPO provides technical assistance, training, and other resources for historic preservation to New Jersey's communities through a variety of programs.

The following New Jersey and National Registers of Historic Places listings include properties and historic districts in New Jersey for which a formal action was taken by the State Historic Preservation Officer or designee. The listings are current through the end of 2002, and the HPO will update these listings on a periodic basis to reflect ongoing additions and corrections.

The listings itemize the buildings, structures, sites, objects, and districts listed on the New Jersey Register of Historic Places (SR) and the National Register of Historic Places

(NR). They also include resources that have received Certifications of Eligibility (COE), opinions of eligibility from the State Historic Preservation Officer (SHPO Opinion), or Determinations of Eligibility (DOE) from the Keeper of the National Register. These properties and historic districts all meet the New Jersey and National Register criteria for significance in American history, archaeology, architecture, engineering or culture, and possess integrity of location, design, setting, materials, workmanship, feeling and association. Properties that have been entered on the New Jersey and/or National Registers of Historic Places are listed by their historic names, which may be different from their current names. Properties that have SHPO Opinions or DOE's are listed by their historic name, when known.

New Jersey and National Registers of Historic Places

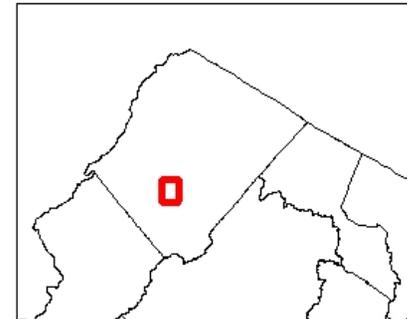
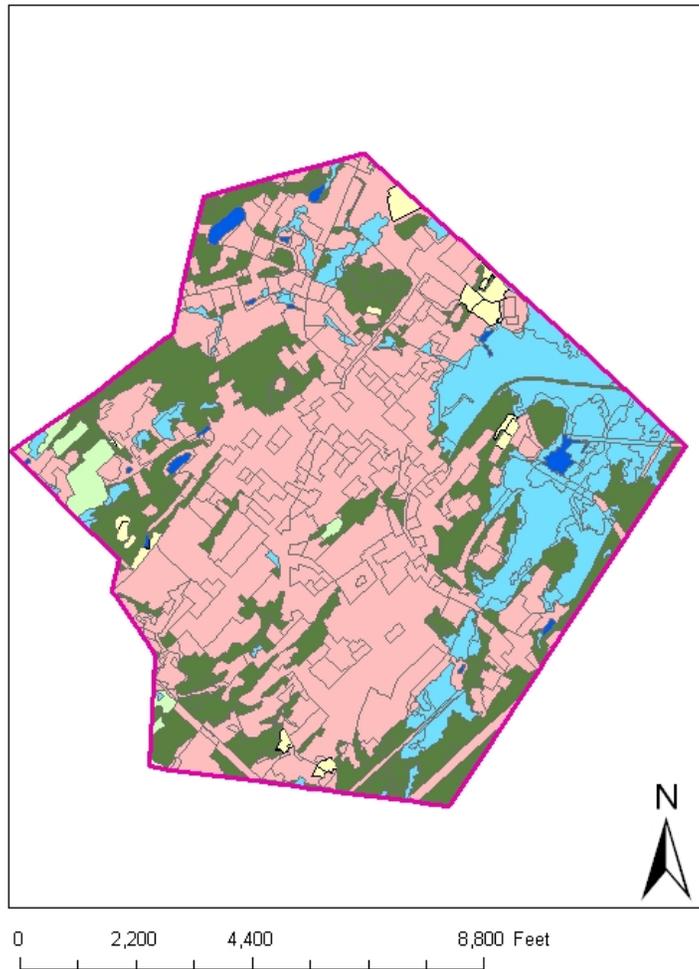
First Presbyterian Church of Newton (ID#2611) High and Church streets SR: 10/26/1976	Hill Memorial (ID#2616) 82 Main Street NR: 7/18/1985 (NR Reference #: 85001565) SR: 5/13/1985
Horton Mansion (ID#4678) College Hill (Sussex County Community College) COE: 1/27/1992	Henry W. Merriam House (ID#2613) 131 Main Street NR: 12/18/1970 (NR Reference #: 70000396) SR: 9/11/1970
Mirriam Shoe Factory (ID#2614) 69-75 Sparta Avenue SHPO Opinion: 6/25/1987	Newton Town Plot Historic District (ID#2615) Church, High, Main, Moran, and Spring streets; Park Place and 1 Dunn Place NR: 11/12/1992 (SR Reference #: 92001521) SR: 9/24/1992
Pine Street Streetscape (ID#2616) SHPO Opinion: 6/25/1987	Sterling Silk Mill (ID#2617) Sparta Avenue SHPO Opinion: 6/25/1987 (Demolished)
Sussex County Court House (ID#2618) Corner of High and Spring streets NR: 7/23/1979 (NR Reference #: 79001523) SR: 5/9/1979	Sussex Street Streetscape (ID#2619) Sussex Street between Sparta Avenue and Pine Street SHPO Opinion: 2/5/1993

Summary of Major Issues

1. DEP Water Availability analysis shows availability of potable drinking water through the Newton Water and Sewer Utility may be limited. If demand for the extensive development and redevelopment proposed in the Vision Plan cannot be met through the existing Water Allocation Permit, Newton Water and Sewer Utility will need to either modify the existing Water Allocation Permit or contract for water from another purveyor.
2. DEP Wastewater Analysis shows available capacity for wastewater treatment for the Newton Wastewater Treatment Plan of approximately 0.3547 mgd.
3. There are a significant number of acres of Threatened & Endangered Species habitat in Newton. DEP will likely recommend a suite of habitat protections as part of a Habitat Protection Program in accordance with Plan Endorsement Guidelines.
4. There are three Natural Heritage Priority Sites located within Newton for plant and animal species of state and global significance. Specific protections for these sites will likely be recommended by DEP in accordance with Plan Endorsement Guidelines.
5. The majority of Newton is located within a Well Head Protection Area. The Department will likely recommend a Source Water Protection Plan and Well Head Protection ordinance be developed to protect drinking water quality.

Maps

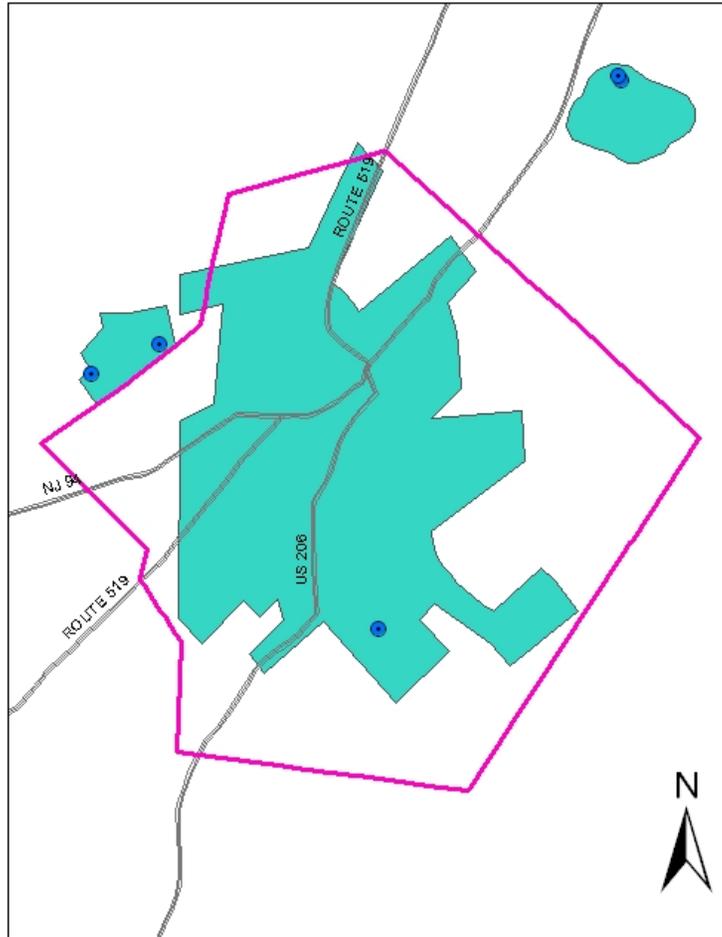
Newton Land Use/ Land Cover 2002



Legend

- Newton Town
- newtonlulccorrectedareas**
- TYPE02**
- AGRICULTURE
- BARREN LAND
- FOREST
- URBAN
- WATER
- WETLANDS
- Roads (Major)

Newton Town Water Purveyor Areas and Public Community Water Supply Wells



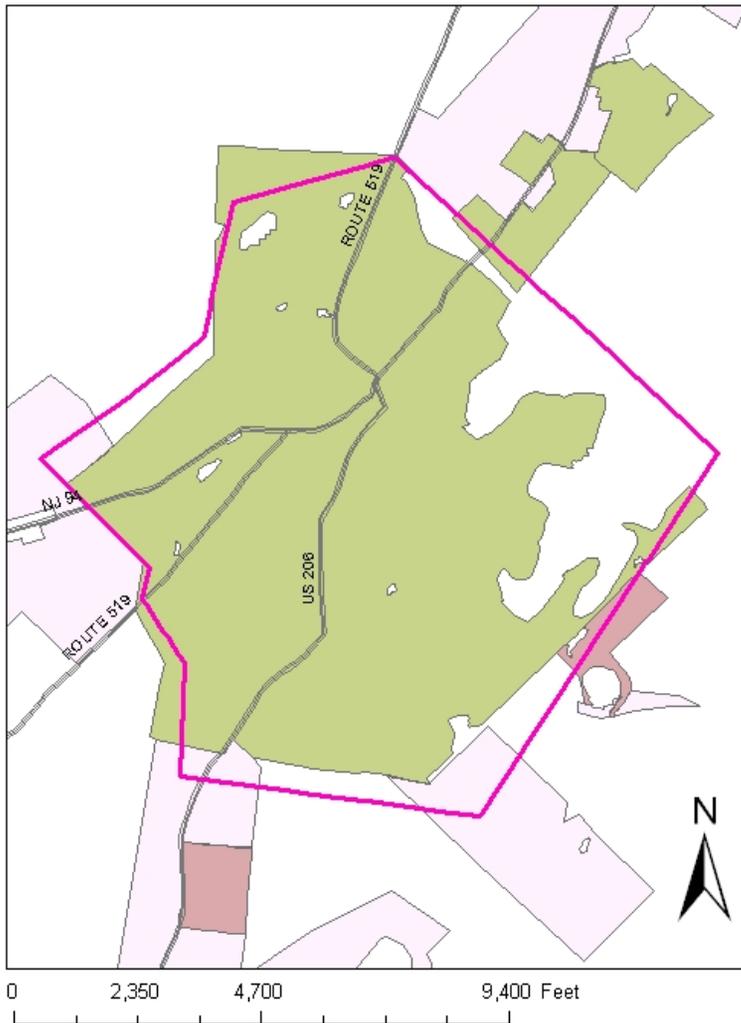
0 2,350 4,700 9,400 Feet



Legend

-  Newton Town
-  Roads (Major)
-  Public Community Water Supply Wells
-  Water Purveyor 1998

Newton Town Sewer Service Area



Legend

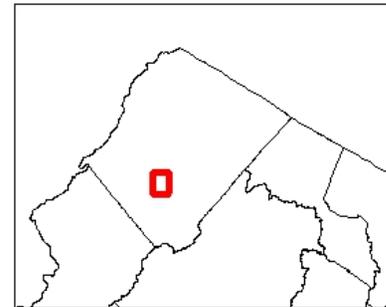
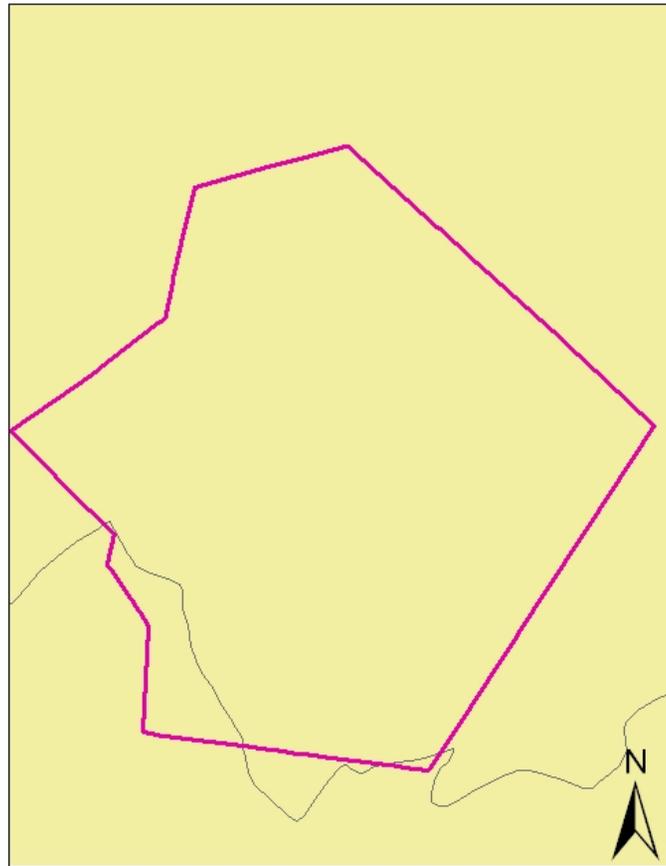
- Newton Town
- Roads (Major)

Sewer Service Areas - Existing

TYPE

- GW < 20,000
- GW < 20K, < 2K
- GWIND
- Holding Tank
- Non-Discharge
- SW
- SW/GW

Newton Nitrate Dilution Target by HUC11

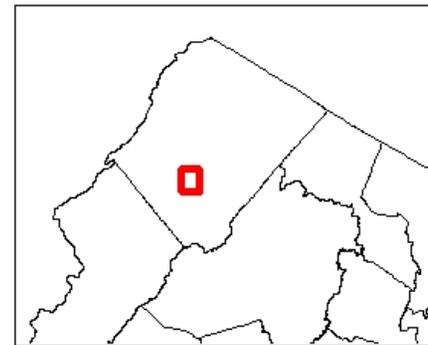
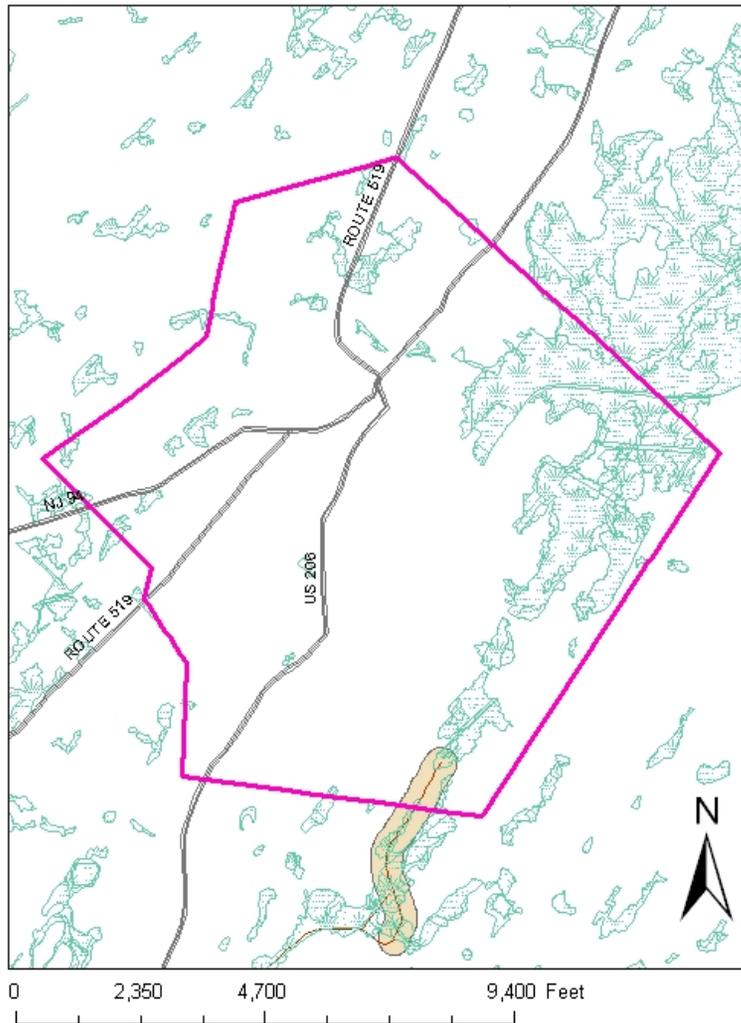


Legend

-  Newton Town
- NO3_Analysis_HUC11
- Descript
-  3 acre lots
-  4 - 4.9 acre lots
-  5 - 5.9 acre lots
-  6 - 6.9 acre lots
-  7 - 7.9 acre lots
-  8 - 8.9 acre lots
-  9 - 9.9 acre lots
-  > 10 acre lots
-  Roads (Major)

0 2,200 4,400 8,800 Feet

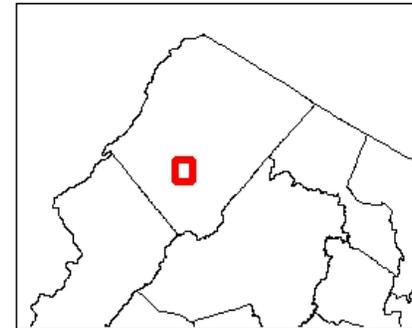
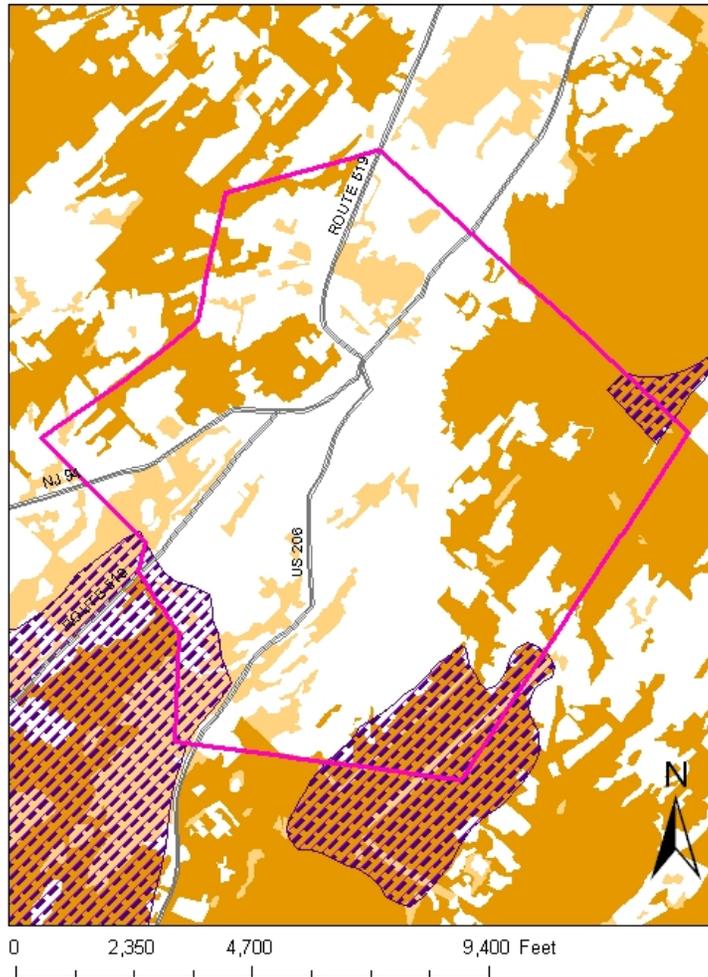
Newton Town Wetlands and Proposed Category One Waterway



Legend

- Newton Town
- Roads (Major)
- C1 Streams
- LULC02-Wetlands-NJ
- C1 Recommendations
- Proposed C1 buffer

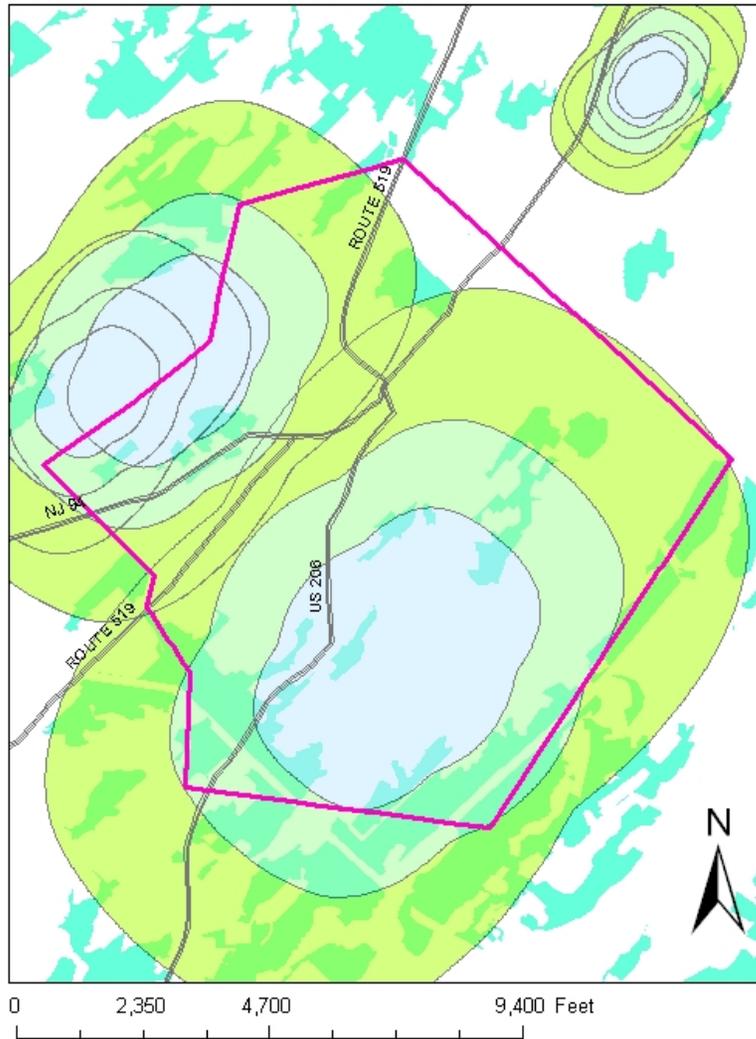
Newton Town Threatened and Endangered Species Habitat and Natural Heritage Priority Sites



Legend

-  Newton Town
-  Natural Heritage Priority Sites
-  Landscape Rank 345
-  Landscape Rank 2
-  Roads (Major)

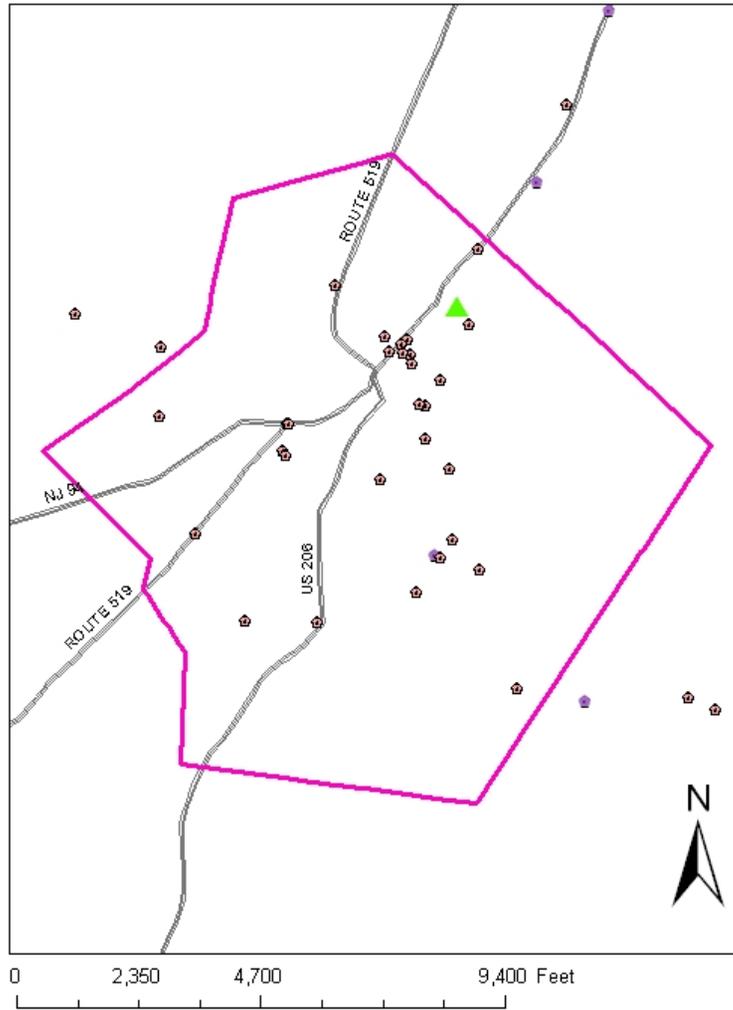
Newton Town Well Head Protection Areas and Groundwater Recharge Areas



Legend

-  Newton Town
-  Roads (Major)
- Wellhead Protection Areas**
-  Tier 1
-  Tier 2
-  Tier 3
-  Groundwater Recharge Area

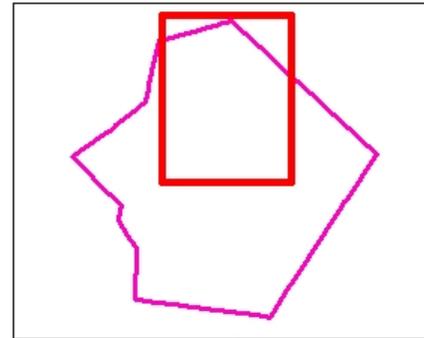
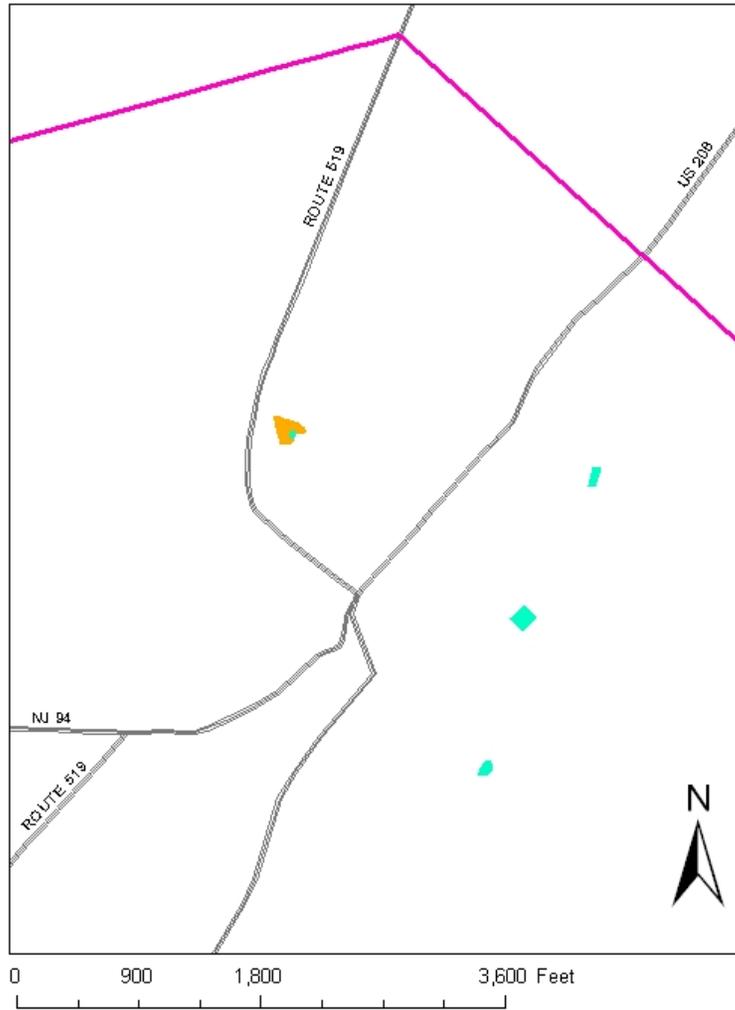
Newton Town Known Contaminated Sites and Landfill



Legend

-  Newton Town
-  Solid Waste Landfills
-  Known Contaminated Sites
-  KCSL (Re-Evaluation Sites)
-  Roads (Major)

Newton Town Groundwater Contamination Areas



Legend

-  Newton Town
-  Roads (Major)
-  Groundwater Contamination Areas (CKE)
-  Groundwater Contamination Areas (CEA_VO)
-  Groundwater Contamination Areas (CEA)

Additional Attachments

Public Water System Deficit/Surplus

NEWTON WATER AND SEWER UTILITY

PWSID: 1915001

County: Sussex

Last Updated: 08/20/07

► [Glossary of Terms Listed Below](#)

Water Supply Firm Capacity: 1.790 MGD

Available Water Supply Limits

	Allocation	Contract	Total
Monthly Limit	38.750 MGM	N/A MGM	38.750 MGM
Yearly Limit	391.000 MGY	N/A MGY	391.000 MGY

Water Demand

	Current Peak	Date	Committed Peak	Total Peak
Daily Demand	1.208 MGD	03/2003	0.000 MGD	1.208 MGD
Monthly Demand	37.455 MGM	03/2003	0.000 MGM	37.455 MGM
Yearly Demand	390.282 MGY	2003	0.000 MGY	390.282 MGY

Water Supply Deficit or Surplus

Firm Capacity	Water Allocation Permit
0.582 MGD	1.295 MGM
	0.718 MGY

Note: Negative values (a deficit) indicate a shortfall in firm capacity and/or diversion privileges or available supplies through bulk purchase agreements.

Bureau of Water System and Well Permitting Comments:

no comments provided

Bureau of Water Allocation Comments:

no comments provided

For more information concerning water supply deficit and surplus, please refer to:

► [Firm Capacity and Water Allocation Analysis](#) (Pdf Format)

► [Currently Effective Water Allocation Permits by County](#)

This report displays all effective water allocation permits issued by the department.

► [Pending Water Allocation Permits with Requests for a Hearing](#)

All pending water allocation permits with public hearing requests.

► [Water Allocation Permits Made Effective within a Selected Timeframe](#)

This report displays water allocation permits based on a specified date range.

Questions regarding safe demands and firm capacity please contact the Bureau of Water System and Well Permitting at 609-984-6831 or for questions concerning water allocation and

status please contact the Bureau of Water Allocation at 609-292-2957.

Questions may also be sent to the [Division of Water Supply](#)

Glossary of Terms

Allocation Limit: The maximum allowed by a valid Water Allocation Permit issued by the Bureau of Water Allocation. This may be surface or ground water, and may be expressed in MGD, MGM, MGY or some combination thereof. Withdrawals may also be limited by other factors and have seasonal or other restrictions such as passing flow requirements.

Committed Peak Demand: The demand associated with projects that have been approved for ultimate connection to the system, but are not yet constructed as indicated through the submission of construction certifications or certificates of occupancy. This is calculated by totaling the demand as included in Water Main Extension (WME) permits and the demand associated with projects not requiring a WME permit. For various review purposes this quantity may be represented as MGD, MGM and/or MGY.

Contract Limit: Purchased water, where regulated by an approved service contract, may be included in the overall allocation quantity where appropriate. Contracts may exist with minimum, maximum, seasonal or other restrictions. In some instances, the value is an estimate, not an exact limit.

Current Peak Demand: This is the average day of the highest recorded demand month occurring within the last five (5) years. (For the purpose of this table, the calculation for current peak demand was based on 31 days. Systems will be reviewed on an individual basis.) This includes water from a system's own sources and all other sources of water (i.e. purchased water).

Firm Capacity: Adequate pumping equipment and/or treatment capacity (excluding coagulation, flocculation and sedimentation) to meet peak daily demand, when the largest pumping unit or treatment unit is out of service. The value is represented in MGD.

Firm Capacity Deficit or Surplus = (Firm Capacity - Total Peak Daily Demand): The difference between the Firm Capacity and the sum of the peak daily demand and committed daily demand. This is a measure of the physical ability to provide treated water at adequate pressure when the largest pumping unit or treatment unit is out of service. Negative values indicate a shortfall in Firm Capacity.

Requested Allocation: The amount of water the public water system is requesting as part of its water allocation permit application, including existing allocations. This value is represented in MGM and MGY.

Total Peak Water Demand: The sum of the public water system's current peak demand and committed peak demand. The value is represented in MGD, MGM, and MGY.

Total Available Water Supply: The sum of the Allocation Limit and Contract Limit. This value is represented in MGM and MGY.

Water Supply Deficit or Surplus = (Total Water Allocation Permit Limit- Total Peak Demand): The monthly and/or annual limitations of an Allocation Permit minus the sum of the monthly and/or annual demands recorded based on the water use records plus the monthly and/or annual demand projected for approved but not yet constructed projects. Negative values indicate a shortfall in diversion privileges or available supplies through bulk purchase agreements.

From N.J.A.C. 7:10-12.6

7:10-12.6 Water volume requirements

(a) The pumping capacity from all available water sources for a public noncommunity or nonpublic water system shall meet the following minimum requirements:

1. For water systems that supply residential consumers, the system shall deliver a minimum of 2.0 gallons per minute per bedroom served for 30 minutes.

2. For water systems that supply all persons other than residential consumers and use hydropneumatic storage, the pumping capacity shall be 10 times the average daily demand as determined using Table 1 below. If gravity storage is used, the minimum pumping capacity may be lowered, but not to less than the minimum required yield as set forth in (b) below.

(b) The total yield from all available water sources for a public noncommunity or nonpublic water system shall meet the following minimum requirements:

1. For water systems that supply residential realty improvements, the yield shall be at least 0.25 gallons per minute per bedroom served.

2. For water systems that supply all persons other than residential consumers, the yield shall be at least three times the average daily demand as determined using Table 1 below.

TABLE 1

AVERAGE DAILY WATER DEMAND

Type of Establishment Gallons per Person

1. Cottage 100	10. Camp***
2. Single family dwelling 100	a. Barracks type 50
3. Multiple family dwelling (apartment) 75	b. Cottage type 40
4. Rooming house 50	c. Day camp (no meals served) 15
5. Boarding house* 75	11. Day school
a. For each nonresident boarder 15	a. No cafeteria or showers 10
6. Hotel* 50-75	b. With cafeteria and no showers 15
7. Motel or tourist cabin 50-75	c. With cafeteria and showers 20
8. Mobile home park 100	d. With cafeteria, showers and laboratories 25
9. Restaurant**	12. Boarding school* 100
a. Sanitary demand 5	13. Health care institution other than hospital 75-125
b. Kitchen demand 5	14. Hospital (depending on type) 150-250
c. Kitchen and sanitary demand 10	15. Industrial facility (8 hour shift) 25

- 16. Picnic grounds or comfort station
 - a. With toilet only 10
 - b. With toilet and showers 15
- 17. Swimming pool or bathhouse 10
- 18. Club house*
 - a. For each resident member 60
 - b. For each nonresident member 25
- 19. Nursing home 150

- 20. Campground
 - a. Without individual sewer hook-up 75 per site
 - b. With individual sewer hook-up 100 per site
 - c. With laundry facility and individual sewer hook-up 150 per site
- 21. Store, office building 0.125 gal/sq. ft
- 22. Self-service laundry 50 gal/wash

* Includes kitchen demand at 10 gallons per person per day. If laundry demand is anticipated, the estimated water demand shall be increased by 50 percent.

** Demand projections shall be calculated by multiplying the certified seating capacity of the establishment by the applicable water usage in gallons per person under 9a, b or c above, and by a factor of 1, 2, or 3 reflecting the hours of operation, as follows: one to six hours (1), seven to 12 hours (2), or more than 12 hours (3).

*** When the establishment will serve more than one use, the multiple use shall be considered in determining water demand. Amended by R.2004 d.442, effective December 6, 2004.

See: 36 N.J.R. 295(a), 36 N.J.R. 5383(b). Rewrote (b).