

MUSCONETCONG SEWERAGE AUTHORITY

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Will Serve Requests & Grant Waiver Requests

“Will Serve” Request Guidance

The MSA does not issue “will serve” letters for proposed sewer connections that will convey flow to the MSA WWTP.

The MSA only operates interceptor conveyance lines and pump stations throughout member municipalities (Netcong, Stanhope, Roxbury, Mt. Arlington, Hopatcong, Jefferson, Mt. Olive and Byram) which convey flow to the MSA WWTP. Sanitary sewer collection systems within member municipalities are operated and maintained separately by those municipalities.

Member municipalities are each allocated wastewater flow capacity by MSA and are responsible for the maintenance of their separate sewer collection systems that convey flow to the MSA’s interceptors.

Therefore, applications for “will serve” should be submitted to member municipalities to confirm there is available capacity within the assigned allocation as well as to confirm locations of existing collection system piping to tie into the sewer. Sewer connections directly to the MSA interceptor system are not allowed except on a “case-by-case” basis which are subject to review and approval by the MSA prior to construction.

If a NJDEP Treatment Works Approval (TWA) is applied for by a proposed project applicant, the member municipality must certify on the TWA Form WQM-003 “Certification by Wastewater Conveyance System Owner” there is adequate conveyance system capacity. After which, the MSA will review and sign off under the WQM-003 “Certification by Wastewater Treatment Facility Owner” if adequate capacity exists at the WWTP.

Additional questions can be directed to the MSA at jschilling@msa-nj.org.

USEPA Grant Condition Waiver Guidance

When reviewing an application for connection, consideration must be given regarding the presence of Environmentally Sensitive Area (ESA) that may be located on the project site. Per previously approved construction grants by USEPA, the MSA must comply with the “Environmentally Sensitive Area (ESA) Grant Condition Waiver Program in Region 2” summarized as follows:

“This grant condition restricts grantees (Municipalities and Sewerage Authorities) from providing sewer connections for new development to be located on parcels containing ESAs for a period of 50 years from the date that the Environmental Assessment and Finding of No Significant Impact (EA/FNSI) was issued for the wastewater collection and/or treatment facility concerned. Specifically, the agreement prohibited discharge of wastewater from any building, facility or other construction on any parcel of land within wetlands and/or the 100-year floodplain that was undeveloped as of the date of the EA/FNSI, unless approved in writing by EPA Region 2”.

“A waiver is an exemption to the ESA grant condition granted by the EPA Region 2, allowing the connection of a project proposed for a parcel containing ESAs to be connected to the federally-funded sewage treatment works. In cases where ESAs will remain on the parcel in question after construction of the proposed project, a “partial waiver” will be issued”.

“ESAs are generally, but not limited to, wetlands and floodplains”.

Therefore, any new development in any of the MSA’s member municipalities which will convey wastewater to the MSA containing ESA’s will be required to file a waiver with USEPA before construction begins.

Since MSA is the grantee, the MSA must submit the waiver on behalf of the applicant. The applicant will be required to prepare the entire application package on the attached “Waiver Request Checklist” and provide all documents to the MSA for submission.

The determination from USEPA will be forwarded to the applicant upon receipt from USEPA.

Per the USEPA guidance:

“If, in consideration of the supporting information submitted EPA Region 2 has determined that the impacts from the proposed project to ESAs will be considerable, avoidable, or have not been sufficiently mitigated, a letter denying the waiver will be issued to the Grantee. Accordingly, hookup of the project to the federally-funded sewage treatment works will not be approved.

A waiver denial generally occurs when significant impacts to ESAs (i.e., filling in a large portion of a wetland) are proposed. The EPA recommends that the developer or builder modify the project and/or provide mitigation measures to minimize or eliminate these impacts. Once the project has been modified to take into account EPA’s concerns as noted in the waiver denial letter, the project sponsor can request that the Grantee resubmit the revised information for a new determination”.

Additional information and guidance from USEPA can be found here:

<https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2#wavier-requests>