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## ENVIRONMENTAL PROTECTION

### OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

#### PROPOSED AMENDMENT TO THE UPPER DELAWARE WATER QUALITY MANAGEMENT PLAN

#### **Public Notice**

**Take notice** that the New Jersey Department of Environmental Protection (Department) seeks public comment on a proposed amendment to the Upper Delaware Water Quality Management (WQM) Plan that would modify the Mount Olive Township Wastewater Management Plan. This amendment proposal (Program Interest No. 435437, Activity No. AMD160002), submitted by Chester, Ploussas, Lisowsky Partnership, LLC on behalf of MF Mount Olive LLC c/o RD Management would expand the sewer service area (SSA) of the Musconetcong Sewerage Authority by 8.84 acres. The project is identified as RD Management / Route 46, located in Mount Olive Township, Morris County, Block: 102, Lot: 2 (Portion). The proposed development of the property will consist of a retail building, a bank, and a restaurant. This proposed amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and represents the Department's decision to proceed further with the amendment application as provided in N.J.A.C. 7:15-3.5(g)5.

Pursuant to N.J.A.C. 7:15-4.4(d), sewer service may only be provided to areas that are not identified as Environmentally Sensitive Areas (ESAs), certain coastal planning areas, or areas subject to US Environmental Protection Agency (EPA) 201 Facilities Plan grant conditions, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l).

Pursuant to N.J.A.C. 7:15-4.4(e), ESAs are any contiguous area, based on a composite Geographic Information System (GIS) analysis, of 25 acres or larger consisting of any of the following features alone or in combination: areas mapped as threatened and endangered wildlife species habitat as identified on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife (Landscape Maps) as Rank 3, 4, or 5; Natural Heritage Priority Sites; Category One waters designated in the Department's Surface Water Quality Standard, N.J.A.C. 7:9B, based on the Department's maps of such waters and their corresponding 300 foot riparian zone based upon the Flood Hazard Area Control Act Rules, N.J.A.C. 7: 13; and wetlands as mapped pursuant to N.J.S.A. 13:19A-1 and 13:9B-25.

In accordance with N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as threatened and endangered wildlife species habitat identified pursuant to N.J.A.C. 7:15-4.4(e)1. To evaluate areas mapped pursuant to N.J.A.C. 7:15-4.4(e)1 as threatened or endangered wildlife habitat, the Department utilized its Landscape Maps, version 3.1 at <http://www.nj.gov/dep/gis/listall.html>. Areas identified by the Landscape Maps as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), Rank 4 (State endangered), or Rank 5 (Federal endangered or threatened) are not to be included in proposed SSAs except as provided under N.J.A.C. 7:15-4.4(i) through (l). A Habitat Suitability Determination (HSD) for the site was completed by EcolSciences, Inc. and was reviewed by the Department's Division of Land Use Regulation. The Department determined that the property does not feature suitable endangered or threatened animal species habitat for Barred Owls.

In accordance with N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as Natural Heritage Priority sites identified pursuant to N.J.A.C. 7:15-4.4(e)2. To evaluate areas mapped as Natural Heritage Priority Sites pursuant to N.J.A.C. 7:15-4.4(e)2, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. Areas mapped as Natural Heritage Priority Sites are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). There are no Natural Heritage Priority sites located on the subject site.

In accordance with N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as Category One waters and their corresponding 300 foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3. To evaluate the existence of Category One waters and their corresponding 300 foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. Areas identified as Category One waters and their corresponding 300 foot riparian zones are not to be included in SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). There are no Category One waters and their corresponding 300 foot riparian zones located on the subject site.

In accordance with N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4. To evaluate the existence of mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. Areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). Pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Letter of Interpretation (LOI) issued by the Department on December 17, 2009 with a File Number 1427-05-0023.1 (FWW050001). The applicant additionally provided

an LOI Extension issued by the Department on January 6, 2015 with a File Number 1427-05-0023.1 (FWW140001). The LOI verifies the jurisdictional boundary of the freshwater wetlands and/or waters on the property. There are no mapped wetlands included in the SSA of the subject site.

In accordance with N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as coastal planning areas pursuant to N.J.A.C. 7:15-4.4(f). To evaluate the existence of any coastal planning areas identified in N.J.A.C. 7:15-4.4(f), the Department evaluated the presence of coastal planning areas identified on the CAFRA Planning Map available at <http://www.nj.gov/dep/gis/listall.html>. Areas mapped as Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas are not to be included in SSA, except, as provided under N.J.A.C. 7:15-4.4(f)1 and 2, to abate an existing imminent public health and safety issue, to accommodate infill development or as necessary to create a linear boundary that coincides with recognizable geographic, political, or environmental features depicted in the Department's GIS coverage. The subject site is not located within any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas.

In accordance with N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as areas subject to 201 Facilities Plan grant conditions pursuant to N.J.A.C. 7:15-4.4(g). To evaluate the existence of 201 Facilities Plan grant conditions that prohibit the expansion of SSA to ESAs, the Department evaluated mapped wetlands utilizing its GIS data at <http://www.nj.gov/dep/gis/listall.html> and flood plains using the Federal Emergency Management Agency (FEMA) flood plain mapping at <https://msc.fema.gov/portal>. Areas with Federal 201 grant limitations that prohibit the extension of sewers into specified ESAs are excluded from the SSA, unless documentation can be provided demonstrating that a mapping revision or waiver has been obtained from EPA, as provided under N.J.A.C. 7:15-4.4(g). There are existing 201 Facilities Plan grant conditions which provide for the restriction of sewer service to ESAs.

The project site is located on a parcel of property containing delineated wetlands. The Musconetcong Sewerage Authority that would serve this site was funded under the federal construction grant program administered under Section 201 of the Federal Clean Water Act. The Musconetcong Sewerage Authority is subject to a 201 Facilities Plan grant condition included in the grant agreement executed between the Musconetcong Sewerage Authority and EPA under project number C34-0384-03. The 201 Facilities Plan grant condition prohibits any sewer connections to federally funded facilities, including the Musconetcong Sewerage Authority, from any sewage generating structure located on a parcel of property containing wetlands and/or floodplains unless a mapping revision or a waiver is obtained. However, only including the sewer generating

area to the SSA and excluding all wetlands as well as their transition areas, there is no requirement for a 201 Facilities Plan grant conditions waiver.

As indicated above, the wetlands areas located on the subject site have not been included in the SSA. If future development were to occur on the subject site, outside of the SSA and encroachment of the wetlands occurs, a 201 Facilities Plan grant conditions waiver or mapping revision will be required. Such mapping revisions and waivers are only issued through a formal request by the grantee, which is the Musconetcong Sewerage Authority for this location. The request by the grantee must include the submission of a wetlands verification from a Department issued LOI confirming that ESAs will not be impacted if sewer conveyance systems are constructed to serve the proposed development on the parcel.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and (h)2, the Department shall consider in the delineation of areas eligible for sewer service, the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans. Based on review of the local zoning maps and master plans, the proposed project is consistent with the local zoning ordinance and the county and local master plans.

Pursuant to N.J.A.C. 7:15-3.5(j)2, proposed projects that propose to add 100 or more acres to the SSA or where the additional SSA would generate 20,000 gpd or more of wastewater, a modification to the wastewater treatment capacity analysis prepared in accordance with N.J.A.C. 7:15-4.5(b) to include the proposed project or activity, is required. The project plans to add 8.84 acres to the SSA and the projected wastewater flow for the proposed project, anticipated to be received by Musconetcong Sewerage Authority, is 8,500 gallons per day (gpd) based on flow calculations in accordance with N.J.A.C. 7:14A-23.3.

**This notice** is to inform the public that a plan amendment has been proposed for the Upper Delaware WQM Plan. All information related to the WQM Plan and the proposed amendment is located at:

Morris County Department of Planning and Public Works  
30 Schuyler Place, PO Box 900  
Morristown, NJ 07963

AND

NJ Department of Environmental Protection  
Office of Water Resources Management Coordination  
P.O. Box 420, Mail Code 401-02A  
401 East State Street,  
Trenton, New Jersey 08625-0420

The Department's file is available for inspection through the Open Public Records Act. Requests can be made on-line at <http://www.nj.gov/dep/opra/>.

**Interested persons** may submit written comments on the proposed amendment to the WQM Program Docket, at the Department address cited above, with a copy sent to:

Virginia Michelin  
Morris County Department of Planning and Public Works  
30 Schuyler Place, PO Box 900  
Morristown, NJ 07963

AND

Gregory Ploussas  
Chester, Ploussas, Lisowsky Partnership, LLC  
100 Matawan Road, Suite 300  
Metro Park South  
Matawan, NJ 07747-3913

All comments should reference Program Interest No. 435437, Activity No. AMD160002 and must be submitted within 30 days of the date of this public notice or within 15 days after the close of the public hearing, as provided below. All comments submitted prior to the close of the comment period shall be considered by the Department in reviewing the amendment request.

**Interested persons** may request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period in this notice up to 30 additional days. These requests should reference Program Interest No. 435437, Activity No. AMD160002 and must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of the date of this notice to WQM Program Docket at the Department address cited above. If a public hearing for the amendment is held, the public comment period provided in this notice shall close 15 days after the public hearing.

Sewer service is not guaranteed by this amendment. This proposed amendment represents only one part of the permit process and other issues may need to be addressed. These issues may include, but are not limited to, obtaining all permits for the proposed projects; meeting all regulatory requirements for needed permits, compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact

locations and designs of future treatment works; development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State law or to any contractual arrangements between municipalities, authorities and/or private parties. Inclusion in the sewer service area as a result of the approval of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.

SIGNED

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Colleen Kokas, Director  
Office of WRM Coordination  
Department of Environmental Protection

November 2, 2016

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Date