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ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

PROPOSED AMENDMENT TO THE NORTHEAST 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 Northeast Water Quality Management (WQM) Plan that would also modify the Morris County Wastewater Management Plan. This amendment proposal (Program Interest No. 435442, Activity No. AMD160003), submitted by Langan Engineering and Environmental Services, Inc. on behalf of Kean University would expand the sewer service area (SSA) by 3.50 acres. The project identified as Kean University, Mount Paul Campus is located in Jefferson Township, Morris County, Block 447, Lot: 7 (Portion). The project site is located within the central portion of the Mt. Paul State Park which consists of approximately 1,133 acres of forested land and a lake owned by the Department. The Department has leased a 34.6-acre lot, which is the project site, to Kean University for their Mt. Paul campus. The project will involve renovations to the existing lodge to provide classrooms, lab space, and student housing. A proposed cabin, to be constructed, will include additional classrooms and lab space and a treehouse which will complement the existing facilities. The proposed project will replace an existing 6,000 gallons per day (gpd) on-site septic system with a replacement septic system that will collect, transport, treat, and discharge approximately 7,070 gpd to groundwater. 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), Environmentally Sensitive Areas (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.

Pursuant to 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. Areas identified by the Landscape Maps as being suitable habitat for threatened and endangered species Rank 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). 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>. Landscape Maps, version 3.1 shows a portion of the site as habitat for Indiana Bats (Rank 5), Bronze Coppers (Rank 4), Northern Goshawks (Rank 4), Timber Rattlesnakes (Rank 4), Bobcats (Rank 4), Golden-winged Warblers (Rank 4), Barred Owls (Rank 3), and Wood Turtles (Rank 3).

N.J.A.C. 7:15-4.4(j)2 provides that an applicant may rebut the presumption that the Department's environmental data is accurate by providing a Habitat Suitability Determination (HSD) prepared pursuant to N.J.A.C. 7:15-4.6 that demonstrates that an area is not suitable habitat for endangered or threatened wildlife species. In June 2016, Langan submitted a HSD on behalf of the applicant. Upon review of the HSD, the Department determined that the project site does not include suitable habitat for the Bronze Copper, Northern Goshawk, Golden-winged Warbler, or Barred Owl. However, a small 3.5-acre portion of the proposed SSA provides suitable habitat for the Bobcat, Indiana Bat, Timber Rattlesnake, and Wood Turtle species.

N.J.A.C. 7:15-4.4(k) provides that areas designated as ESA based on Landscape Maps may be included in SSA provided the Department determines, based upon a review of data provided by the applicant as part of a Habitat Impact Assessment (HIA), that the proposed project or activity avoids the endangered or threatened wildlife species habitat; will result in insignificant or discountable effects on the maintenance or local breeding, resting, or feeding of the species; or includes the implementation of conservation measures that will minimize to the maximum extent

practicable all adverse modification of suitable habitat and will mitigate for any such adverse modification. To make this determination, the Department reviewed the HSD submitted by Langan on behalf of the applicant, as the HSD contained much of the information to evaluate as an HIA.

The Bobcat is a wide-ranging species that is rarely seen in New Jersey as it avoids human contact and small fragmented habitats. As ample contiguous forest habitat surrounds the proposed SSA, there are sufficient movement corridors for the Bobcat despite the proposed SSA. Therefore, any impact to Bobcat habitat would be insignificant.

With regard to the Indiana Bat, the only mapped habitat occurs outside the proposed project, and so species activity will not be compromised by the proposed project. Therefore, the project avoids the Indiana Bat habitat.

With regard to the Timber Rattlesnake, the proposed site is currently maintained as a lawn and will deter the Timber Rattlesnake from using the area. Therefore, the impact to the Timber Rattlesnake habitat would be insignificant or discountable.

With regard to the Wood Turtle, while Mt. Paul Lake is adjacent to the proposed project site, the lake lacks the necessary characteristics, specifically soft muddy bottoms, which would cause the Wood Turtle to migrate to the area. Therefore, any impact to Wood Turtle habitat would be insignificant or discountable.

Therefore, collectively, the Department has concluded that the project will result in insignificant or discountable, if any at all, impacts to endangered or threatened species habitat.

Pursuant to 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. 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). 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>. There are no Natural Heritage Priority sites located on the subject site.

Pursuant to 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. 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). 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>. A portion of the project site is in a Category One water's corresponding 300-foot riparian zone. The Department issued a Transition Area Redevelopment Waiver on August 11, 2016, permit number 1414-16-0006.2, FWW 160003. This permit authorizes the redevelopment within the 300-foot riparian zone, specifically the disturbance of 7,190 square feet on the subject property.

Pursuant to 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. 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). 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>. Pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Letter of Interpretation issued by the Department on October 14, 2016 with a File Number 1414-16-0006.2 (FWW 160001). The LOI determined that wetlands, with a resource value of exceptional, were present on a small portion of the referenced property. A wetland with an exceptional resource value requires 150-foot wetland buffer. A small portion of the proposed SSA was proposed within this buffer. The Department issued a Transition Area Redevelopment Waiver on August 11, 2016, permit number 1414-16-0006.2, FWW 160003. This permit authorizes the redevelopment and re-purposing of 7,190 square feet on the subject property, which includes the area with the wetland buffer in the proposed SSA.

Pursuant to 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). 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. 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/install.html>. The subject site is not located within any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas.

Pursuant to 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). Areas with Federal 201 grant limitations that prohibit the extension of sewers into specified ESAs are excluded from 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). To evaluate the existence of 201 Facilities Plan grant conditions that prohibit the expansion of SSA to ESAs, the Department reviewed the EPA list of New Jersey Counties with ESA Grant Conditions at <https://www3.epa.gov/region02/water/sewer.html>. There are no 201 Facilities Plan grant conditions for the proposed site.

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. The Township of Jefferson has confirmed that the project site has a pre-existing non-conforming approved use as a seminary/educational facility. Therefore, the project site is grandfathered into compliance with the local zoning ordinance.

Pursuant to N.J.A.C. 7:15-3.5(j)2, 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 3.50 acres to the SSA and the projected wastewater flow for the proposed project, anticipated to be received by on-site groundwater disposal facility, is 7,070 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 Northeast 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. Comments should reference Program Interest No. 435442, Activity No. AMD 160003. A copy should be sent to:

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

AND

Gerard Fitamant, PE
Langan Engineering and Environmental Services, Inc.
300 Kimball Drive
Parsippany, NJ 07054

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. Such request should reference Program Interest No. 435442, Activity No. AMD160003 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. Should the Department decide to hold a non-adversarial public hearing, notice of said hearing and the revised comment period's closing date will be published in a future New Jersey Register. The public comment period provided by this notice shall close 15 days after the last public hearing. All comments submitted prior to the close of the comment period shall be considered by Morris County and the Department in reviewing the amendment request.

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

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

2/16/2017

Date