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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Northeast Water Quality Management Plan

Take notice that on June 9, 2023, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment to the Northeast Water Quality Management (WQM) Plan. The amendment, identified as “Glenmont Commons Developers, LLC – Casterline Estates” (Program Interest No. 435442, Activity No. AMD210006), expands the sewer service area (SSA) of the Parsippany-Troy Hills Township STP (NJPDES No. NJ0024970) by 7 acres to serve 65 residential units comprised of 45 townhomes, 20 stacked apartment units and 1 maintenance building located on Block 10002, Lot 3, in Denville Township, Morris County. A portion of the expanded Parsippany-Troy Hills Township STP SSA is currently located in the Rockaway Valley Regional Sewerage Authority (RVRSA) SSA per a 2015 amendment for the then proposed Glenmont Commons development. Other areas of RVRSA SSA adopted per the prior amendment have been removed from the SSA. The project will generate a projected wastewater flow of 17,520 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

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Preliminary notice was published in the New Jersey Register on December 19, 2022, at 54 N.J.R. 2409(a). No comments were received during the comment period. This notice represents the Department's determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15 as described below.

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from Denville Township, Parsippany-Troy Hills Township, Morris County Board of County Commissioners, New Jersey Highlands Council, Morris County Municipal Utilities Authority, Rockaway Valley Regional Sewerage Authority and Greystone Psychiatric Hospital. The Morris County Board of County Commissioners took no position on the amendment as stated in an email dated February 17, 2023 from the Clerk of the Board. Denville Township adopted Resolution #R-22-218 on December 20, 2022, consenting to the amendment. The Rockaway Valley Regional Sewerage Authority adopted Resolution #23-007 on January 12, 2023, consenting to the amendment. The New Jersey Department of Human Services – Office of Property Management and Construction, on behalf of Greystone Park Psychiatric Hospital, adopted a resolution on February 9, 2023 consenting to the amendment. In an email dated February 10, 2023, the Morris County Municipal Utilities Authority stated that the board decided that the adoption of a resolution was not necessary and that they are not against the proposal. In an email dated December 9, 2022, in lieu of passing a resolution, the New Jersey Highlands Council reaffirmed the position in their November 24, 2021, letter that the project is consistent with the Highlands RMP. Parsippany-Troy Hills Township declined to respond to the applicant's request for a resolution of consent.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations to the eligible SSA needed to address a specific project or activity. N.J.A.C. 7:15-3.5(j)2

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requires that site specific amendments proposing to add 100 or more acres or generating 20,000 gpd or more of wastewater flow shall include a proposed 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. The project involves less than 100 acres and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment capacity analysis is not required.

The project is located within the Highlands Region, as defined in the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-7.a. As delineated in the Highlands Regional Master Plan (RMP), the project property is located within the Existing Community Zone – Environmentally Constrained Subzone of the Highlands planning area. Denville Township has not opted to conform with the Highlands RMP. However, pursuant to Executive Order 114 (2008), the Highlands Council reviewed the amendment for consistency with the Net Water Availability Provisions of the RMP. The project was determined to impact a HUC14 with a Net Water Availability deficit, thus, required development of a Site-Specific Water Deficit Mitigation Plan and the need for Randolph Township to develop a municipal Water Use and Conservation Management Plan (WUCMP). The applicant has proposed several water use mitigation measures such as low-flow fixtures and appliances, two (2) recharge basins onsite, native planting, and smart technology irrigation systems. Denville Township adopted a municipal-wide WUCMP on May 11, 2022. Based on the proposed water use mitigation measures and development of the WUCMPs, in a letter dated November 24, 2021, the Highlands Council determined that the proposed project is consistent with the RMP.

In accordance with N.J.A.C. 7:15-4.4(c)3, in the Highlands planning area, for municipalities that do not conform with the Highlands RMP, areas eligible for sewer service shall conform to N.J.A.C. 7:15-4.4(d) and (h). Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as

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SSA, except as otherwise provided at N.J.A.C. 7:15-4.4(i), (j), (k), and (l): environmentally sensitive areas (ESAs) identified pursuant to N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of any of the following, alone, or in combination: endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One (C1) waters and their tributaries, or wetlands; coastal planning areas identified at N.J.A.C. 7:15-4.4(f), and; ESAs subject to 201 Facilities Plan grant conditions pursuant to N.J.A.C. 7:15-4.4(g). The Department conducted an evaluation of the project site using a GIS shapefile provided by the applicant compared to the Department's GIS data layers available at <https://gisdata-njdep.opendata.arcgis.com> and/or other information as noted below, to determine the presence of any such areas in accordance with N.J.A.C. 7:15-4.4(e), (f) and (g) and made the following findings:

- The Department determined that the expanded SSA contains areas mapped as endangered or threatened wildlife species habitat Rank 5 for Indiana Bat, and Rank 4 for Bobcat on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife based on the "Landscape Project Data" Version 3.3 GIS data layers, in accordance with N.J.A.C. 7:15-4.4(e)1. Pursuant to N.J.A.C. 7:15-4.4(j), the applicant submitted a Habitat Suitability Determination (HSD) dated May 11, 2020, prepared pursuant to N.J.A.C. 7:15-4.6.

The Department review of the HSD and additional available information found the site to be suitable habitat for Indiana Bat. Therefore, the applicant must avoid the clearing of trees from April 1st until November 15th in order to minimize the potential take of individual bats. Additionally, the applicant must place a conservation easement on the remaining approximately 6.2 acres of forest habitat on the project site to ensure the preservation of the onsite forest. Much of the wetland/transition area habitat, where prime foraging habitat would mostly likely be

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focused, will be avoided and be deed restricted. Pursuant to N.J.A.C.7:15-4.4(k)3, the conservation restriction was executed, filed and recorded with the Morris County Clerk on May 18, 2023 and proof of recordation of the deed restriction was provided to the Department via email on May 24, 2023. The conservation restriction runs with the property and is binding on all successive owners, their agents and assigns.

For Bobcat, the Department concurred with the HSD finding that the site is in a poor landscape position for use by bobcat, lacking favorable habitat features, being semi surrounded by development, and not serving as a movement corridor to more high- quality habitat.

- The Department determined that the expanded SSA does not contain any areas mapped as Natural Heritage Priority Sites based on the “Natural Heritage Priority Sites” GIS data layer, in accordance with N.J.A.C. 7:15-4.4(e)2.
- The Department determined that the expanded SSA does not contain any C1 waters or 300-foot riparian zones along any C1 waters or upstream tributaries within the same HUC-14 watershed of any C1 waters based on the “Surface Water Quality Standards” GIS data layer, in accordance with N.J.A.C. 7:13-4.1(c)1 and 7:15-4.4(e)3.
- The Department determined that there are wetlands located on the project site based on the “Wetlands 2012” GIS data layer, in accordance with N.J.A.C. 7:15-4.4(e)4; however, pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File # (1408-05-0009.1, FWW200001) confirming that there are no wetlands within the expanded SSA.

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- The Department determined that the expanded SSA does not contain any areas mapped as Fringe Planning Areas, Rural Planning Areas, or Environmentally Sensitive Planning Areas within the Coastal Area Facility Review Act (CAFRA) zone based on the “CAFRA (polygon)” GIS layer and the “State Plan Data” GIS layer, in accordance with N.J.A.C. 7:15-4.4(f).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project based on the U.S. Environmental Protection Agency (USEPA) list of New Jersey Grantees with ESA Grant Conditions at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2>, in accordance with N.J.A.C. 7:15-4.4(g).

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department considered the land uses allowed in adopted zoning ordinances, future land uses shown in adopted municipal and county master plans, and other local land use objectives. The Denville Township Planning Board approved the preliminary and final major site plan Application No. PSP/FSP/18-04 for the project on January 9, 2019. Morris County has not taken a position on the project as of the date of this notice.

Sewer service is not guaranteed by the adoption of this amendment since it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA 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.

6/9/2023
Date


Gabriel Mahon, Bureau Chief

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Bureau of NJPDES Stormwater Permitting and Water Quality Management
Division of Watershed Protection and Restoration
NJ Department of Environmental Protection