

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE February 4, 2019 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

WATER RESOURCES MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Proposed Amendment to the Northeast Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed site specific amendment to the Northeast Water Quality Management (WQM) Plan and the Northwest Bergen County Utilities Authority Wastewater Management Plan (WMP) in accordance with the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15. The proposed amendment (Program Interest No. 435442, Activity No. AMD180004) would expand the sewer service area (SSA) of the Northwest Bergen County Utilities Authority by 0.2 acres to serve a proposed residential development on a portion of Block 149, Lot 20, Mahwah Township, Bergen County. The proposed project, identified as “Rizzi-Fasciano Development,” consists of two single-family dwelling units that would generate a projected wastewater flow of 600 gallons per day (gpd) to be received by the Northwest Bergen County Utilities Authority wastewater treatment facility, NJPDES No. NJ0024813, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. The proposed amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department’s determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.3, 3.5, 4.4 and 4.5, as described below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of the eligible sewer service area needed to address a specific project or activity. N.J.A.C. 7:15-3.5(j)2 requires that site specific amendments proposing to add 100 or more acres or generating 20,000 gpd or

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE February 4, 2019 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

more of wastewater flow must update 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 proposed project involves less than 100 acres and will generate less than 20,000 gpd of wastewater; therefore, update of the wastewater treatment capacity analysis is not required.

In accordance with N.J.A.C. 7:15-3.5(h), applicants for proposals in the Highlands Region must simultaneously submit the application to both the Department and the Highlands Council to provide an opportunity for the Highlands Council to submit comments prior to the Department rendering a decision on the application. The proposed project is located within an Existing Community Environmentally Constrained Subzone of the Highlands Planning Area portion of Mahwah Township. Mahwah Township is a Highlands conforming municipality as defined at N.J.A.C. 7:15-1.5 because its Regional Master Plan (RMP) conformance petition has been approved by the Highlands Council and it has adopted a planning area conformance petition ordinance and land use ordinance amendments consistent with that approval. The Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the RMP and issued a letter received by the Department on June 12, 2018 stating that the proposed project is consistent with the RMP because the applicant intends to implement water-saving indoor fixtures to reduce the amount of depletive water use, maintain a vegetative filter strip near the project site and deed restrict the entire parcel after construction is complete, which should address concerns about flooding and low recharge rate from the high ground water table.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as sewer service areas, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One waters and their tributaries, or wetlands; coastal planning areas identified under N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE February 4, 2019 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

under 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 <http://www.nj.gov/dep/gis/listall.html> 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) through (g) and made the following findings:

- The Department determined that the expanded sewer service does contain areas mapped as Rank 4 endangered or threatened wildlife species habitat for Timber Rattlesnake 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. However, based upon a habitat suitability determination prepared pursuant to N.J.A.C. 7:15-4.6, the Department determined that the expanded sewer service area does not feature suitable habitat for Timber Rattlesnake due to the high degree of housing development surrounding the project site and the close proximity to Interstate 287, which do not allow Timber Rattlesnakes to access the site.
- The Department determined that the expanded sewer service area 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 sewer service area does not contain any Category One (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 and N.J.A.C. 7:13-4.1(c)1 and N.J.A.C. 7:15-4.4(e)3.
- The Department determined that the project site does contain wetlands based on the "Wetlands 2012" GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4; however, the expanded sewer service area includes only 0.2 acres of the 9.2-acre property and, pursuant to N.J.A.C. 7:15-4.4(j)3, the

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE February 4, 2019 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #0233-16-0004.1/FWW160001 and Flood Hazard Verification File #0233-16-0004.1/FHA160002 confirming that there are no wetlands within the expanded sewer service area. The applicant has agreed to place a deed restriction on the remaining 9 acres of the property;

- The Department determined that the expanded sewer service area does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the “CAFRA Layers” GIS layer in accordance with 7:15-4.4(f).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project site based on the USEPA list of New Jersey Counties 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 zoning ordinances and future land uses shown in municipal or county master plans and determined that the expanded sewer service area is consistent with land uses allowed by local zoning and the county and local master plans.

This notice is to inform the public that a plan amendment has been proposed for the Northeast WQM Plan and the Northwest Bergen County Utilities Authority WMP. All information related to these plans and the proposed amendment is located at:

New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Environmental Analysis Assessment and Standards

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE February 4, 2019 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

P.O. Box 420, Mail Code 401-041

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 Department at the address cited above. Comments should reference Program Interest No. 435442, Activity No. AMD180004 and must be submitted within 30 days of the date of this public notice. A copy of the written comments should also be sent to:

Joseph Vince, P.E.

Schwanewede/Hals Engineering

9 Post Road, Suite M-11

Oakland, New Jersey 07436

Interested persons may also request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435442, Activity No. AMD180004 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future New Jersey Register and the comment period will be extended to 15 days after the public hearing date. All comments submitted prior to the close of the comment period shall be considered by the Department before making a final decision on the proposed amendment.

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE February 4, 2019 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

Sewer service is not guaranteed by 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 sewer service area as a result of the adoption 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.

1/2/2019

Date

SIGNED

Bruce S. Friedman, Director

Division of Water Monitoring and Standards