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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE 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 in accordance with 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 proposed amendment (Program Interest No. 435442, Activity No. AMD190011,) would establish a new sewer service area (SSA) of 3.04 acres to serve a proposal for the conversion of an existing warehouse building into a house of worship on Block 3603, Lot 2, Oakland Borough, Bergen County. The proposed project, identified as “**Guru Nanak, Inc.**” consists of the conversion of an existing 24,740 square foot office building into a house of worship with a commercial kitchen and a 1 bedroom apartment that would generate a projected wastewater flow of 2,350 gallons per day (gpd), to be received by a new subsurface sewage disposal system based on flow calculated in accordance with N.J.A.C. 7:9A-7.4. The only increase in the building footprint is for a 374 square foot entrance foyer. This notice represents the Department’s determination that the proposed amendment is compliant with the applicable regulatory criteria at N.J.A.C. 7:15, 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 SSA needed to address a specific project or activity. N.J.A.C. 7:15-3.5(j)2 requires that site

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specific amendments proposing to add 100 or more acres or generating 20,000 gpd or 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 flow; 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 the Highlands planning area portion of Oakland Borough, which is not a Highlands conforming municipality as defined at N.J.A.C 7:15-1.5 since it has not had its Regional Master Plan (RMP) conformance petition approved by the Highlands Council or 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 December 9, 2019 letter stating that, since this parcel is located in the Existing Community Zone of the planning area, an Executive Order 114 (2008) review was not required.

In accordance with N.J.A.C. 7:15-4.4(c)3, in the Highlands planning areas, for municipalities that do not conform with the Highlands Regional Master Plan, areas eligible for sewer service shall conform to 4.4(d) and (h).

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSAs, 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

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Sites, riparian zones of Category One (C1) 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 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 SSA does not contain any areas mapped as endangered or threatened wildlife species habitat Rank 3, 4 or 5 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.
- 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 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 expanded SSA does not contain any wetlands based on the "Wetlands 2012" GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4.
- 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

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Area Facility Review Act (CAFRA) zone based on the “CAFRA (polygon)” GIS layer and the “State Plan Data” 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 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 adopted zoning ordinances, future land uses shown in adopted municipal or county master plans, and other local land use objectives. The proposed project received a use variance resolution from the Oakland Borough Board of Adjustment on December 13, 2016. The Bergen County Department of Planning and Engineering has notified the Department that it will not confirm or deny consistency of proposed amendments with the county master plan, as the plan which dates from 1966, does not have a sanitary sewer element.

Interested persons may submit written comments on the proposed amendment to the Department and the County at the following addresses:

New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Environmental Analysis, Restoration and Standards
Water Quality Management Planning Program
P.O. Box 420, Mail Code 401-041
401 East State Street

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Trenton, New Jersey 08625-0420

AND

Mr. Joseph Femia

Bergen County Department of Planning and Engineering

One Bergen County Plaza, 4th Floor

Hackensack, New Jersey 07601-7076

Comments should reference Program Interest No. 435442, Activity No. AMD190011 and must be submitted within 15 days after the public hearing. A copy of the written comments should also be sent to:

Wayne Ingram

Engineering & Land Planning Associates, Inc.

140 West Main Street

High Bridge, New Jersey 08829

Interested persons may request in writing that the Department hold a nonadversarial 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. AMD190011 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.

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All information related to the Northeast WQM Plan and the proposed amendment is located at:

Bergen County Department of Planning and Engineering

One Bergen County Plaza, 4th Floor

Hackensack, New Jersey 07601-7076

AND

New Jersey Department of Environmental Protection

Division of Water Monitoring and Standards

Bureau of Environmental Analysis, Restoration and Standards

Water Quality Management Planning Program

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 between 9:00 a.m. and 4:00 p.m., Monday through Friday, upon request. An appointment to inspect the file must be arranged by calling the Bureau of Environmental Analysis, Restoration and Standards at (609) 633-1441.

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. Sewer service is not guaranteed if this amendment is adopted, since it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area 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.

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2/12/20
Date _____

SIGNED

Bruce S. Friedman, Director

Division of Water Monitoring and Standards