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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATER RESOURCE MANAGEMENT**

### **DIVISION OF WATER MONITORING AND STANDARDS**

### **Proposed Amendment to the Northeast and Upper Raritan Water Quality Management Plans**

#### **Public Notice**

**Take notice** that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Northeast and Upper Raritan Water Quality Management (WQM) Plans 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. AMD180007), prepared by the Morris County Office of Planning and Preservation and submitted on behalf of the Morris County Board of Chosen Freeholders, would adopt a complete municipal chapter of the Morris County Wastewater Management Plan (WMP) addressing the entirety of Mine Hill Township, with the exception of a municipal septic maintenance program, and would provide for applicable changes to the Morris County WMP, as originally adopted on January 30, 2014, (46 N.J.R. 459(a)) to include updates to the narrative and Countywide maps and all previously adopted site specific amendments that have yet to be reflected in the County-wide WMP. No other changes to the Morris County WMP are proposed at this time.

The proposed municipal chapter identifies areas to be served by the Rockaway Valley Regional Sewage Authority (RVRSA) Sewage Treatment Plant (STP) as well as areas to be served by facilities yet to be determined (Unassigned SSA) and areas to be served by septic systems with design flows of equal to or less than 2,000 gallons per day. This notice represents the Department's determination that the proposed amendment is compliant with the regulatory criteria at N.J.A.C. 7:15, as described below.

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Pursuant to N.J.A.C. 7:15-4.2(e), individual components of a County-wide WMP as listed are wastewater treatment capacity analysis, nitrate dilution analysis and potential strategies addressing any capacity deficiencies and may be adopted independent of other components or chapters provided that the minimum scale of these components is an entire municipality. The rest of the County will be addressed through subsequent amendment(s) for a county-wide municipal chapters and/or WMP components submitted in accordance with N.J.A.C. 7:15-3.5 and 4.2.

The proposed municipal chapter includes municipal based mapping identifying the Existing Areas currently served by wastewater treatment facilities, Wastewater Service Areas and Municipal Zoning Maps for Mine Hill Township. As part of this proposed amendment, within Mine Hill, 233 acres are to be removed from the previously adopted sewer service area (SSA) due to environmental constraints as identified at N.J.A.C. 7-15-4.4(e) as areas not eligible for sewer service. Conversely, 299.8 acres would be added to the future SSA, for a net addition of 66.8 acres of SSA. In total, there would be 633.8 acres in the SSA within Mine Hill Township, 490 of which would be assigned to the RVRSA STP, (NJPDES No. NJ0022349), and 143.8 of which would be designated as Unassigned SSA.

The proposed amendment would also update the following county-wide maps titled: Map 1: Jurisdictional Boundary Map for Morris County, Map 2: Existing Sewered Areas Map for Morris County, Map 3: Wastewater Service Area Map for Morris County, and Map 5: Environmental Features – Natural Resources Map for Morris County. The Jurisdictional Boundary Map is being updated to remove mapping information no longer required to increase clarity. The Environmental Features – Natural Resources map is being updated to reflect the most current version of the Landscape Project, version 3.3. The Wastewater Service Area map reflects changes to the SSA within Mine Hill that are proposed as part of this amendment and all changes to the SSA resulting from adoption of site specific amendments and revisions not yet reflected on the paper copy of the map adopted on June 30, 2015.

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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), (j), (k), and (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitats, Natural Heritage Priority 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 proposed SSA using a GIS shapefile provided by the County 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 if the proposed SSA included the presence of any such areas, alone or in combination, any contiguous ESA of 25 acres or larger. In addition, the following findings are in accordance with N.J.A.C. 7:15-4.4(e), (f), and (g):

- The Department determined that the proposed SSA does not contain areas mapped as endangered and threatened wildlife species habitats 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 proposed 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 proposed SSA does contain 300-foot riparian zones along C1 waters based on the "Surface Water Quality Standards" GIS data layer; however, the proposed SSA within the C1 riparian zone is limited to the footprint of existing sewage-generating structures.
- The Department determined that the proposed 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.

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- The Department determined that the proposed 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 applicable 201 Facilities Plan grant conditions 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). The assigned SSA will convey wastewater to the RVRSA facility, which is subject to a Federal ESA grant condition included in the grant agreement executed between the RVRSA and USEPA under Project Number C-34-389-02 and Project Number C-34-389-06. The ESA grant conditions prohibit any sewer connection to federally-funded facilities from any sewage-generating structure located on a parcel of property containing wetlands or within the 100-year floodplain unless a mapping waiver or grant waiver is obtained from USEPA. Based on the “Wetlands 2012” GIS data layer and FEMA Flood Insurance Rate Maps, the Department has determined that there are no wetlands or 100-year floodplains located within the SSA assigned to RVRSA.

Pursuant to N.J.A.C. 7:15-4.5 an analysis was performed to assess the existing and future wastewater treatment needs for the RVRSA STP serving Mine Hill Township. In accordance with N.J.A.C. 7:15-4.5(b)2ii(2), a build-out analysis to identify future projected wastewater flow was conducted for each existing and proposed sewer service area, on a municipal basis in Mine Hill Township. The existing and future wastewater treatment needs of each SSA associated with each specific wastewater treatment facility identified in Mine Hill Township were evaluated. The build-out analysis was performed to project wastewater flow for either undeveloped or underdeveloped parcels within the existing and future SSA. Wastewater flow projections are calculated based upon the current municipal zoning and included

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potential development of all remaining parcels of vacant land, underdeveloped residential and commercial property and any existing parcels currently served by individual subsurface sewage disposal systems (ISSDSs) that are located within the adopted SSA and not currently being served by sanitary sewers. This resulted in a wastewater flow projection of 0.322 MGD. The wastewater flow was projected applying the appropriate criteria listed at N.J.A.C. 7:14A-23.3. The total projected wastewater flow for undeveloped and underdeveloped areas within Mine Hill Township's existing and future SSA was used in conjunction with the estimated existing wastewater flow, as described below, to assess whether sufficient capacity exists to accommodate future need.

The existing wastewater flow for the RVRSA STP was calculated based on the flows from March 2011 to February 2012 to better account for wet weather flow, as reported to the Department in the Discharge Monitoring Reports (DMRs) received from RVRSA for the entire SSA was 11.44 million gallons per day (MGD). The portions metered from Mine Hill Township was .0832 MGD.

The existing wastewater flow volumes and the future wastewater flow as projected in the build-out analysis are combined to determine the total projected future wastewater flow from each SSA within Mine Hill Township associated with the specific facility and utilized to assess whether sufficient capacity exists to accommodate future need.

The proposed municipal chapter includes a wastewater treatment capacity analysis for the Mine Hill portion of the RVRSA SSA. This analysis demonstrated a potential wastewater treatment capacity deficit as compared to the current NJPDES permitted flow for the RVRSA STP. Based on the wastewater treatment capacity analysis, the potential wastewater flow generated from the proposed SSA to the RVRSA STP from Mine Hill Township would be 0.406 MGD. Based on the existing flow for the RVRSA STP of 11.44 MGD and the expected future projected flows identified in this chapter and the expected use from Picatinny Arsenal, based on their contract with RVRSA as detailed in the RVRSA facility table, the projected flows would exceed RVRSA's permitted capacity of 12 MGD by 0.046 MGD. Additionally, there

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are ten other municipalities served by RVRSA whose projected future flows are not yet accounted for in the Morris County WMP. Once the flows from those municipalities are accounted for, the potential capacity deficiency is expected to increase. For the unassigned SSA, the entire wastewater demand of 0.217 MGD constitutes a potential capacity deficiency in accordance with N.J.A.C 7:15-4.5(b)2ii. The Department has determined that the wastewater treatment capacity analysis complies with N.J.A.C. 7:15-4.5.

The proposed municipal chapter identifies the following strategy for addressing the potential wastewater treatment capacity deficiency for the RVRSA SSA. Expansion of the RVRSA STP's permitted flow from 12.0 MGD to 15.0 MGD would resolve the capacity deficit for the assigned RVRSA SSA within Mine Hill Township. The NJPDES permit for the RVRSA STP has approved an anti-degradation study and effluent limits for up to 15.0 MGD. This expansion cannot be activated until a subsequent amendment detailing the full build-out of the treatment facility is adopted.

The proposed municipal chapter identifies two potential strategies for addressing the capacity deficiency in the unassigned SSA: 1) connecting to a regional wastewater treatment plant that has sufficient capacity or 2) building a new wastewater treatment plant to serve the unassigned SSA. Connection to a new or expanded wastewater treatment plant not already identified in the Morris County WMP would require a subsequent amendment to identify a specific location, flow and other relevant information regarding a new or expanded wastewater treatment facility to serve the proposed unassigned SSA.

The proposed municipal chapter includes a nitrate dilution analysis for areas not designated for sewer service, identified as non-SSA. Mine Hill Township includes areas of two HUC11s, identified as Rockaway River (02030103030) and Lamington River (02030105050). The analysis determined that HUC 02030105050 had a potential deficit of seven units. The Departments has determined that the nitrate dilution analysis complies with N.J.A.C. 7:15-4.5.

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The proposed municipal chapter identifies the following two strategies for addressing the potential nitrate dilution deficiencies: 1) expansion of the RVRSA SSA to include the area containing the largest amount of potential development in the deficit HUC11 or 2) require future development in the area containing the largest amount of potential development to obtain a NJPDES permit for an on-site treatment facility as the anticipated flow would be over 2,000 gallons per day. With that development removed from the non-SSA the nitrate dilution deficit identified in the 02030105050 HUC11 would be eliminated. Either of these two strategies would require a subsequent amendment to expand the existing RVRSA SSA or to identify a new wastewater treatment facility to serve the proposed SSA.

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

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. An appointment to inspect the file may be arranged by calling the Bureau of Environmental Analysis, Restoration and Standards at (609) 633-1441.

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,

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Activity No. AMD180007 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:

Virginia Michelin  
Morris County Office of Planning and Preservation  
30 Schuyler Place, Fourth Floor  
P.O. Box 900  
Morristown, New Jersey 07963-0900

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 request should reference Program Interest No. 435442, Activity No. AMD180007 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.AC. 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.



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

2/19/2020

\_\_\_\_\_  
Date

SIGNED

\_\_\_\_\_  
Bruce S. Friedman, Director

Division of Water Monitoring and Standards