

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE DECEMBER 6, 2021 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

DIVISION OF WATERSHED PROTECTION & RESTORATION

Proposed Amendment to the Upper Raritan Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Upper Raritan 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, identified as the “Tranquillity Farm Ag Housing” (Program Interest No. 435434, Activity No. AMD200013) would establish a new sewer service area (SSA) of 1.8 acres to serve existing and proposed development for an equestrian farm located on Block 15, Lots 42.01 and 42.02, in Chester Township, Morris County. The existing development on Lot 42.01 includes a 7-bedroom main house, a garage with a 1-bedroom apartment, a cottage with 4 bedrooms, a corn crib and two additional garages. The existing 41,119 square foot structure on Lot 42.02 includes a main barn consisting of 56 horse stalls (20 horses washed per day), a 350 square foot office with 2 indoor and 8 outdoor employees, an indoor riding arena with a viewing area for a maximum of 147 people. The proposed development on Lot 42.02 would consist of two 2-bedroom apartments, one 1-bedroom apartment, a washer, an office for 3 employees and a 12 horse stalls (6 horses washed per day) with a feed room. The proposed and existing development, would generate a projected wastewater flow of 5,034 gallons per day (gpd) to be received by a

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new subsurface sewage disposal system based on flows calculated in accordance with N.J.A.C.

7:9A-7.4. The new subsurface sewage disposal system will replace the existing septic system.

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 proposed alternations to the eligible SSA 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 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 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.

The proposed project is located in the Highlands Region, as defined in the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-7.a. The proposed project is located within the Conservation Zone of the Highlands preservation area portion of Chester Township. Chester Township's petition for Plan Conformance was approved by the Highlands Council on October 21, 2010. As a Highlands conforming municipality, as defined at N.J.A.C. 7:15-1.5, the Township is in conformance with the Highlands Regional Master (RMP) in both the planning and preservation areas. Pursuant to the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38-2.2, any activity that is part of an agricultural use is not considered a major Highlands development and is not subject to the Highlands Act. In accordance with Executive Order 114

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(2008) the Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the RMP and issued a consistency determination in a letter dated November 24, 2020. The Highlands Council determined that the project was not located in a HUC14 with a Net Water Availability deficit and was not subject to any further Highlands Council review.

Areas eligible for sewer service in the Highlands Region are defined at N.J.A.C. 7:15-4.4(c). Pursuant to the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38-2.2, any activity that is part of an agricultural use is not considered a major Highlands development and is not subject to the Highlands Act. Proposals exempt from the Highlands Act are eligible for delineation as SSA in accordance with N.J.A.C. 7:15-4.4(d). Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as 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 <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), (f) and (g) and made the following findings:

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- The Department determined that the proposed 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 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 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 the proposed SSA does not contain 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 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 no 201 Facilities Plan grant conditions applicable to the project based on the U.S. Environmental Protection Agency list of New Jersey Grantees with ESA Grant Conditions at <https://www.epa.gov/npdes-permits/environmentally->

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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 objective. The proposed project was originally approved by the Chester Township Planning Board on July 10, 2012 and received an extension of preliminary and final site plan approval on May 9, 2017.

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

New Jersey Department of Environmental Protection

Division of Watershed Protection and Restoration

Bureau of NJPDES Stormwater Permitting & Water Quality Management

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 NJPDES Stormwater Permitting & Water Quality Management at (609) 633-7021

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Interested persons may submit written comments on the proposed amendment to the Department at the address cited above or at the email: wqmp.publiccomments@dep.nj.gov. Comments should reference Program Interest No. 435434, Activity No. AMD200013 and must be submitted within 30 days of the date of this public notice.

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. 435434, Activity No. AMD200013 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined at 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 issue of the New Jersey Register and the comment period will be extended to 15 days after the public hearing. 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 should this amendment be adopted as 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.

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10/28/2021

Date

SIGNED

Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Division of Watershed Protection and Restoration

NJ Department of Environmental Protection