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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LANDMANAGEMENT**

### **DIVISION OF WATERSHED PROTECTION AND RESTORATION**

### **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 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, identified as **Weiss-Aug** (Program Interest No. 435442, Activity No. AMD190010) would expand the sewer service area (SSA) of the Rockaway Valley Regional Sewerage Authority (RVRSA) (NJPDES No. NJ0022349) by 1.6 acres within a portion of Block 31601, Lot 2 in Denville Township, Morris County. The expanded SSA would allow for the development of a proposed 63,315 square foot industrial building containing 6,510 square feet of office space, with 150 manufacturing and warehouse employees. The project will generate a projected wastewater flow of 4,401 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

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.

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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 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. Areas eligible for sewer service in the Highlands Region are defined at N.J.A.C. 7:15-4.4(c). The proposed project is located within the Highlands planning area portion of Denville Township. At this time, Denville Township is not a Highlands conforming municipality as defined at N.J.A.C. 7:15-1.5. The Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the Highlands Regional Master Plan and issued a consistency determination in a letter dated January 10, 2020, in accordance with Executive Order 114 (2008). 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.

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

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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:

- The Department determined that the proposed SSA contains 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. Review of the Landscape Maps determined that the site is identified as Rank 3 habitat for wood turtle. However, pursuant to N.J.A.C. 7:15-4.4(j), to rebut the accuracy of the GIS mapping designation, the applicant submitted a habitat evaluation and presence/absence survey for wood turtle study. The Department concluded that the wetlands, and therefore the uplands, are not considered to be suitable habitat for wood turtle, as documented in a Letter of Interpretation (LOI)/Line Verification File #1408-03-0001.1, FWW 160001 issued June 14, 2011, whereby the wetlands were found to be of intermediate resource value and that classification was maintained through a reissuance in July 1, 2016.

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- 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 there is a C1 water, Peck Meadow Brook, also known as Meadow Brook, which is a tributary to the Den Brook , and its corresponding 300-foot riparian zone on the project site; however, 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 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 LOI File # 1408-03-0001.1, FWW 160001 confirming that there are no wetlands within the proposed SSA.
- 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).
- In accordance with N.J.A.C. 7:15-4.4(g), the Department determined that there are applicable 201 Facilities Plan grant conditions 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->

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[waiver-program-region-2](#). The proposed project would convey wastewater to the RVRSA, which is subject to a Federal ESA grant condition included in the grant agreement executed between the RVRSA and the USEPA under Project Numbers C-34-398-02 and C-34-089-06. The ESA grant condition prohibits any sewer connection to Federally-funded facilities from any sewage-generating structure located on a parcel containing wetlands, prime agricultural land or located within the 100-year floodplain unless a mapping revision or grant waiver is obtained from USEPA. The proposed project property contains wetlands and 100-year floodplains based on the "Wetlands 2012" GIS data layer and FEMA Flood Insurance Rate Maps. On September 15, 2021, the USEPA issued a partial waiver for the project. This waiver noted that the sewer connection restriction remains in effect for the wetlands and floodplain on site and any modification to the project and/or future connections to the RVRSA would need to be evaluated and require resubmittal of a waiver request.

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 proposed project was approved by the Denville Township Planning Board during an April 14, 2021 meeting (Application No. PB/PSP/FSP 19-05). The Morris County Planning Department took no position on the project.

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

New Jersey Department of Environmental Protection

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Division of Watershed and Land Management

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Water Quality Management Planning Program

PO 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 (609) 633-7021.

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](mailto:wqmp.publiccomments@dep.nj.gov). Comments should reference Program Interest No. 435442, Activity No. AMD190010 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. 435442, Activity No. AMD190010 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

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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.

11/8/2021  
Date

SIGNED

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