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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

#### **DIVISION OF WATERSHED PROTECTION & RESTORATION**

#### **Proposed Amendment to the Sussex County 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 Sussex County 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 "Hudson Farm" (Program Interest No. 435459, Activity No. AMD210001) would expand the Hudson Farm discharge to groundwater sewer service area (SSA) by approximately of 0.15 acres to accommodate a new pavilion located on Block 50002, Lot 7, in Hopatcong Borough, Sussex County. The project parcel is an approximately 417-acre lot which has historically had multiple uses consisting of agriculture, single-family dwellings and a private club with amenities which are regulated under an existing New Jersey Pollutant Discharge Elimination System (NJEMS) general permit (T-1) NJG0179523. The pavilion, an approximately 6,553 square foot structure, will serve as an events pavilion to accommodate a maximum of 150 people. As calculated in accordance with N.J.A.C. 7:9A-7.4, the pavilion would generate a projected wastewater flow of 750 gallons per day (gpd). Recently, an existing residential dwelling was reconfigured for use as a Pro-Shop, decreasing the wastewater design flow for this structure from its prior use design flow. The Department determined that with this reduction, the overall

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wastewater design flow for the entire site, including the flow from the new pavilion, was now 8,958 gpd, less than the prior design flow of 9,575 gpd. Therefore, the existing authorization under the NJPDES T-1 general permit (NJG0179523) could be maintained.

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 Highlands preservation area of Hopatcong Borough. Hopatcong Borough petitioned the Highlands Council for plan conformance with the Highlands Regional Master Plan (RMP) for both the planning and preservation area and was approved on September 20, 2012.

Pursuant to the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38, expansion of a SSA in the Highlands preservation area requires either a Highlands Preservation Area Approval (HPAA) with Waiver or that it be deemed exempt from the Highlands rule. On July

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6, 2020, the project received a municipal Highlands Exemption #4. In accordance with Executive Order 114 (2008), the Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the RMP and issued a letter dated November 18, 2021, stating that the proposed project was not subject to 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 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 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

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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. Although a 300-foot buffer, associated with an unnamed tributary to Lubbers Run, a Category 1 waterway, is located on the project property, the buffer does not extend into the proposed SSA.
- 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. On December 18<sup>th</sup>, 2018, the Borough Land use Board memorialized the authorization of the minor site plan to permit the construction of the proposed project. This notice is to inform the public that a plan amendment has been proposed for the Sussex County WQM Plan. All information related to this plan and the proposed amendment is located at the:

Sussex County Department of Engineering and Planning  
Division of Planning and Economic Development  
Sussex County Administration Center  
One Spring Street  
Newton, New Jersey 07860,

And

New Jersey Department of Environmental Protection  
Division of Watershed Protection and Restoration  
Bureau of NJPDES Stormwater Permitting & Water Quality Management  
PO Box 420, Mail Code 501-02A  
501 East State Street  
Trenton, New Jersey 08625-0420

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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.

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) and to the County at the following address:

Autumn Sylvester, P.P.  
Director, Division of Planning and Economic Development  
Sussex County Department of Engineering and Planning  
One Spring Street  
Newton, NJ 07860

Comments should reference Program Interest No. 435459, Activity No. AMD210001 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. 435459, Activity No. AMD210001 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

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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 County and 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.