

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 6, 2022, 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

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION & 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 “Hurstmont-Glen Alpin” (Program Interest No. 435442, Activity No. AMD190009) would establish a new discharge to groundwater (DGW) sewer service area (SSA) of 17.6 acres on Block 27, Lot 2 and Block 34, Lot 1, in Harding Township, Morris County. The proposed SSA is to accommodate a proposed 250-unit residential housing development consisting of 75 1-bedroom units, 50 2-bedroom units, 40 2-bedroom age-restricted units, and 85 1-bedroom assisted living units to be located on Block 27, Lot 2. In addition, an existing structure located on Block 34, Lot 1 is to be renovated into a banquet hall designed for 360 people. Wastewater from both the proposed residential development and the banquet hall would be served by a proposed onsite DGW wastewater treatment system, which will be regulated under a New Jersey Pollutant Discharge Elimination System (NJPDES) permit. The proposed development would generate a projected wastewater flow of 45,000 gallons per day

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(gpd), as 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.

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 but would generate more than 20,000 gpd of wastewater flow. However, since the wastewater is to be treated by a proposed new on-site wastewater treatment facility specifically for this project, a 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. As delineated in the Highlands Regional Master Plan (RMP), the proposed project is located within the Protection Zone of the Highlands planning area. Harding Township has not opted to conform with the Highlands RMP. However, in accordance with Executive Order 114 (2008), the Highlands Council (Council) reviewed the proposed amendment for consistency with the Net Water Availability provisions of the RMP and issued a letter dated March 13, 2020 stating that, based on recent Net Water Availability calculations, the project site is located in a HUC14 subwatershed which is not in a deficit, and therefore, the project is not subject to further Council review.

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In accordance with N.J.A.C. 7:15-4.4(c)3, in the Highlands planning area, for municipalities that do not conform with the Highlands RMP, areas eligible for sewer service shall conform to N.J.A.C. 7:15-4.4(d) and (h). 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 contains areas mapped as endangered or threatened wildlife species habitat Rank 3 (Wood Turtle) and Rank 5 (Indiana Bat and Northern Myotis 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. However, based on review of the Habitat Suitability Determination/Habitat Impact Assessment (HSD/HIA) prepared and submitted pursuant to N.J.A.C. 7:15-4.6 and 4.7, the Department determined that, in accordance with

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N.J.A.C. 7:15-4.4(j)2, the mapped habitat for Wood Turtle is not suitable as the species is not documented in the nearby Primrose Brook and no wetland or water features or associated buffers occur on site. It was determined that the project would impact 4.54 acres of potential Indiana Bat and Northern Myotis habitat. An acoustic survey was conducted during the active foraging and maternity season and did not identify either bat species on the project site, indicating that no maternity roost for either species was present on the project site. Additionally, the project site is adjacent to over 1000 acres of protected open space offering similar habitat and critical habitats for the species, such as wetlands, waters, and riparian forests that are not present on the project site. In accordance with N.J.A.C 7:15-4.4(k)2, the Department concurred with the HSD/HIA finding that, for the habitat that could not be avoided by the project, the impacts would be insignificant or discountable on the maintenance of local breeding, resting, or feeding of both the Indiana Bat and Northern Myotis.

- 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.

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- 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-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 February 25, 2019 Harding Township adopted Resolution 17-073 designating the project site as a non-condemnation Area in Need of Development. In a December 6, 2021, email to the Department, Harding Township confirmed that the project was consistent with the zoning and master plan. The Morris County Office of Planning and Preservation indicated to the Department that it 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:

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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 501-02A

501 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.

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. 435442, Activity No. AMD190009 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. AMD190009 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 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.

4/20/2022

Date



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