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**PUBLIC NOTICE**

**ENVIRONMENTAL PROTECTION**

**WATERSHED AND LAND MANAGEMENT**

**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 KRE Harding Residential (AKA S/K Mt. Kemble) (Program Interest No. 435442, Activity No. AMD200007) would expand the sewer service area (SSA) of the Woodland Sewage Treatment Plant (STP) (NJPDES No. NJ0024929) by 9.3 acres to serve a proposed 96-unit residential development with a clubhouse and pool. The proposed project will be located on Block 23.02, Lot 5 in Harding Township, Morris County. The project will generate a projected wastewater flow of 27,975 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.

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

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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. In accordance with N.J.A.C. 7:154.5(b)1, the existing wastewater flow at the Woodland STP, calculated as the highest consecutive 12-month rolling average during the five-year period preceding the amendment application (October 2015 to November 2020), was determined to be 1.06 million gallons per day (MGD (July 2018 to June 2019) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner (<https://www.13.state.nj.us/DataMiner>). The Woodland STP is currently permitted to discharge up to 2 MGD under NJPDES Permit No. NJ 0024929. As such, the Woodland STP currently has capacity for the proposed project.

The proposed project is located within 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 property is located within the Protection Zone of the Highlands planning area. Harding Township has not opted to conform with the Highlands RMP. However, pursuant to Executive Order 114 (2008), the Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability Provisions of the RMP. In a letter dated April 22, 2021, the Highlands Council determined that the proposed project is consistent with the RMP, with specified conditions. Because the project is located within a HUC14 with a Net Water Availability deficit, conditions on the project's consistency include development of a municipal-wide Water Use and Conservation Management Plan by Harding Township and a Site-

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Specific Water Deficit Mitigation Plan to offset the calculated mitigation target of 34,293 gpd of consumptive water use. In a letter dated March 21, 2022, the Highlands Council determined that the two conditions had been met and the project was consistent with the RMP. The applicant is proposing several water use mitigation measures including low-flow fixtures and appliances, green stormwater infrastructure, native species planting, smart technology irrigation systems, and the retrofit of an existing stormwater basin within Harding Township.

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 5 for Northern Myotis, Indiana Bat, and Wood Turtle 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

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accordance with N.J.A.C. 7:15-4.4(e)1. Pursuant to N.J.A.C. 7:15-4.4(k), the applicant submitted a Habitat Impact Assessment (HIA), prepared pursuant to N.J.A.C. 7:15-4.7. The Department concurred that the amendment area will result in insignificant and/or discountable impacts to the maintenance of local breeding, resting, and feeding of the endangered and threatened wildlife species. For the Indiana Bat and Northern Myotis, surveys of the project site found the successional forest to be of marginal habitat value, that no critical habitats for either species were present due to limited appropriate roost trees and limited foraging area, and the extent of available habitat in nearby areas compared to the loss of 9.3 acres from this project, adjacent to dense commercial development and an Interstate highway, are largely discountable. Additionally, approximately 6.3 acres of the project are to be placed under a conservation easement. Pursuant to N.J.A.C. 7:15-4.4(k)3, the conservation easement must be executed, filed and recorded with the Morris County Clerk and proof of recordation of the deed restriction must be provided to the Department prior to adoption of the proposed amendment. Tree clearing will be restricted during the active season from April 1 until September 30. For wood turtle, a review of the property concluded that the onsite wetlands and associated habitat were largely inaccessible to wood turtles documented along Catfish Brook on the eastern side of Route 287. There is no stream corridor access from the site to provide the necessary characteristics to support hibernating wood turtles. As a result, the site was considered to be unsuitable habitat for the species and impacts to wood turtle habitat from this project would largely be insignificant or discountable.

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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 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 Letter of Interpretation (LOI)/Line Verification (File #1413-07-0007.1/FWW160001) confirming that there are no wetlands within the proposed sewer service area.
- 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 (USEPA) 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).

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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  
Division of Watershed Protection & Restoration  
Bureau of NJPDES Stormwater Permitting and Water Quality Management  
Water Quality Management Planning Program  
PO 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 (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. AMD200007 and must be submitted within 30 days of the date of this public notice.

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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. AMD200007 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.

9/30/2022

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