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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**

**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 “Glenmont Commons Developers, LLC - Casterline Estates” (Program Interest No. 435442, Activity No. AMD210006), would expand the sewer service area (SSA) of the Parsippany-Troy Hills Township STP (NJPDES No. NJ0024970) by 7 acres to serve 65 residential units comprised of 45 townhomes, 20 stacked apartment units and 1 maintenance building located on Block 10002, Lot 3, in Denville Township, Morris County. A portion of the proposed Parsippany-Troy Hills Township STP SSA is currently located in the Rockaway Valley Regional Sewerage Authority (RVRSA) SSA per a 2015 amendment for the then proposed Glenmont Commons development. Other areas of RVRSA SSA adopted per the prior amendment will be removed from the SSA. The project will generate a projected wastewater flow of 17,520 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 requires that site specific amendments proposing to add 100 or more acres or generating 20,000 gpd or more of

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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 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 Existing Community Zone – Environmentally Constrained Subzone of the Highlands planning area. Denville 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. The project was determined to impact a HUC14 with a Net Water Availability deficit, thus, required development of a Site-Specific Water Deficit Mitigation Plan and the need for Randolph Township to develop a municipal Water Use and Conservation Management Plan (WUCMP). The applicant has proposed several water use mitigation measures such as low-flow fixtures and appliances, two (2) recharge basins onsite, native planting, and smart technology irrigation systems. Denville Township adopted a municipal-wide WUCMP on May 11, 2022. Based on the proposed water use mitigation measures and development of the WUCMPs, in a letter dated November 24, 2021, the Highlands Council determined that the proposed project is consistent with the RMP.

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

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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 Indiana Bat, and Rank 4 for Bobcat 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. Pursuant to N.J.A.C. 7:15-4.4(j), the applicant submitted a Habitat Suitability Determination (HSD) dated May 11, 2020, prepared pursuant to N.J.A.C. 7:15-4.6.

The Department review of the HSD and additional available information found the site to be suitable habitat for Indiana Bat. Therefore, the applicant must avoid the clearing of trees from April 1<sup>st</sup> until November 15<sup>th</sup> in order to minimize the potential take of individual bats. Additionally, the applicant must place a conservation easement on the remaining approximately 6.2 acres of forest habitat on the project site to ensure the preservation of the onsite forest. Much of the wetland/transition area habitat, where prime foraging habitat would mostly likely be focused, will be avoided and be deed restricted. Pursuant to N.J.A.C.7:15-4.4(k)3, the conservation restriction 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.

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For Bobcat, the Department concurred with HSD finding that the site is in a poor landscape position for use by bobcat, lacking favorable habitat features, being semi surrounded by development, and not serving as a movement corridor to more high- quality habitat.

- 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 # (1408-05-0009.1, FWW200001) 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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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 Denville Township Planning Board approved the preliminary and final major site plan Application No. PSP/FSP/18-04 for the proposed project on January 9, 2019. Morris County has not taken a position on the project as of the date of this notice.

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: [wgmp.publiccomments@dep.nj.gov](mailto:wgmp.publiccomments@dep.nj.gov). Comments should reference Program Interest No. 435442, Activity No. AMD210006 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. AMD210006 and must demonstrate sufficient

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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.

11/16/2022  
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