

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MARCH 20, 2023 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LANDMANAGEMENT**

### **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 “Recchia” (Program Interest No. 435442, Activity No. AMD220003) would expand the sewer service area (SSA) of the Rockaway Valley Regional Sewage Authority (RVRSA) (NJPDES No. NJ0022349) by 1.081 acres to accommodate the subdivision of Block 20401, Lot 2 into two additional lots for two proposed single-family homes in Denville Township, Morris County. The existing house on Lot 2 is currently in the SSA and will remain in the SSA. The portion of Lot 2 that is not currently in the SSA will be subdivided into Lots 11.06 and 11.07. The project will generate a projected wastewater flow of 600 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 SSAs 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 an Environmentally Constrained Zone of the Highlands Planning Area. Denville Township has not opted to conform with the Highlands Regional Master Plan (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 Highlands Council issued a letter dated May 4, 2022, stating that the proposed project was not in a deficit HUC 14, does not trigger Executive Order 114, and therefore the project is not subject to 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 <https://gisdata-njdep.opendata.arcgis.com> 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 endangered or threatened wildlife species habitat Rank 4 for the bobcat and Rank 5 for the Indiana bat 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. N.J.A.C. 7:15-4.4(j)2 provides that an applicant may rebut the presumption that the Department's environmental data is accurate by providing a Habitat Suitability Determination (HSD) prepared pursuant to N.J.A.C. 7:15-4.6, that demonstrates that an area does not include suitable habitat for endangered or threatened wildlife species. On April 21, 2022, the applicant submitted a Habitat Impact Assessment (HIA), prepared by Thomas Aufferorde and Evie McMenamin of EcolScience, Inc. The Department concurred with the findings of the HIA that the proposed SSA will result in insignificant impacts on the maintenance of local breeding, resting, and feeding of the bobcat and Indiana bat habitat. The Department was able to make the

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determination based on the poor quality of the habitat, species record distance from the site, the proximity to existing development and the relatively minor habitat loss anticipated.

- 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 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).
- 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 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>. Wastewater generated by the project will be conveyed 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 Number C-34-389-02

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and C-34-389-06. The ESA grant condition prohibits any sewer connection to Federally-funded facilities from any sewage-generating structure located on a parcel of property containing wetlands or within the 100-year floodplain unless a mapping revision or grant waiver is obtained from USEPA. The proposed SSA does not contain wetlands, is not prime agricultural land, and is not located within a 100-year floodplain based on the “Wetlands 2012” GIS data layer and FEMA Flood Insurance Rate Maps. Therefore, no waiver from the USEPA is required for this amendment.

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 received preliminary and final subdivision approval on September 14, 2022. On June 7, 2022, the Morris County Department of Planning confirmed via email that it will not offer a position regarding the proposed amendment’s consistency with the county master plan.

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

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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. AMD220003 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. AMD220003 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.

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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.

2/16/2023  
Date

Signed  
Gabriel Mahon, Bureau Chief  
Bureau of NJPDES Stormwater Permitting & Water  
Quality Management  
Division of Watershed Protection and Restoration  
New Jersey Department of Environmental Protection