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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Northeast Water Quality Management Plan

Public Notice

Take notice that on November 12, 2020, pursuant to the provisions of 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 New Jersey Department of Environmental Protection (Department) adopted an amendment to the Northeast Water Quality Management (WQM) Plan. This amendment, identified as “Turzi Wharton” (Program Interest No.435442, Activity No.AMD190001), expands the Rockaway Valley Regional Sewerage Authority (RVRSA) sewer service area (SSA) by 7.23 acres to serve a proposed warehouse complex consisting of two mixed use/commercial buildings to be located on a portion of Block 11504, Lot 2, Rockaway Township, Morris County. A portion of the parcel is already included in the adopted SSA. The project consists of a 135,100 square foot (sf) warehouse of which 14,550 sf is office space. The warehouse will accommodate 95 employees. As calculated in accordance with N.J.A.C. 7:14A-23.3, the project would generate a projected wastewater flow of 3,830 gallons per day (gpd) to be received by the RVRSA Sewage Treatment Plant (NJPDES No. NJ0022349).

Preliminary notice of this amendment was published in the New Jersey Register on February 3, 2020 at 52 N.J.R. 164(a). No comments were received during the comment period. This notice

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represents the Department's determination that the 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 alterations of the eligible sewer service area 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 must update 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; therefore, update of the wastewater treatment capacity analysis was not required.

The project is located within an Existing Community Zone of the Highlands Planning Area portion of Rockaway Township. Rockaway Township is conforming to the Highlands Regional Master Plan (RMP). In accordance with N.J.A.C. 7:15-3.5(h), applicants for proposals in the Highlands Region must simultaneously submit the application to both the Department and the Highlands Council to provide an opportunity for the Highlands Council to submit comments prior to the Department rendering a decision on the application. The Highlands Council reviewed the proposed amendment for consistency with the RMP and Executive Order 114. On February 19, 2019, the Highlands Council issued a letter to the Department stating that the project did not require a Consistency Determination for additional RMP resources, as prior approvals pre-dated RMP conformance. It also stated that this project does not trigger Executive Order 114. Additionally, in accordance with N.J.A.C 7:15-4.4(c), in the Highlands Region, areas eligible for sewer service in the Highlands planning area for Highlands conforming municipalities include areas established within the Highlands RMP as Existing Community Zone, Lake Community Sub-Zone, or designated as Highlands redevelopment areas or Highlands centers. Because the project is in the Existing Community Zone, it is eligible for sewer service.

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Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSAs, except as otherwise provided at N.J.A.C. 7:15-4.4(i), (j), (k), and (l): environmentally sensitive areas, (ESAs) identified under N.J.A.C. 7:15-4.4(e) as a contiguous area of 25 acres or greater, alone or in combination, consisting of the following features: 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 under N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions under 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 expanded sewer service does not contain areas mapped as 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.
- The Department determined that the expanded sewer service area 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 expanded sewer service area 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 and N.J.A.C. 7:13-4.1(c)1 and N.J.A.C. 7:15-4.4(e)3.
- The Department determined that the expanded sewer service does not contain any wetlands based on the "Wetlands 2012" GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4.

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- The Department determined that the expanded sewer service area does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the “CAFRA Layers” GIS layer in accordance with 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 Counties with ESA Grant Conditions at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2>. The adopted SSA will convey wastewater 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-34-089-02. The ESA grant condition prohibits 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 SSA adopted by this amendment does not contain wetlands or 100-year floodplains based on the “Wetlands 2012” GIS data layer and FEMA Flood Insurance Rate Maps. Therefore, no waiver from USEPA is required for this amendment. Future extensions to the RVRSA SSA would need to be evaluated for the presence of ESAs under the 201 grant conditions.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department considered the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans and determined that the expanded sewer service area is consistent with land uses allowed by local zoning and the county and local master plans.

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from Rockaway Valley Regional Sewerage Authority, Rockaway

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Township, the Morris County Board of Chosen Freeholders, and the New Jersey Highlands Council.

Morris County sent an email on February 18, 2020, stating that they took no position on the amendment. The New Jersey Highlands Council sent an email on February 14, 2020, stating that the project was consistent with the Highlands RMP and they consented to the amendment. The Rockaway Valley Regional Sewerage Authority passed Resolution 20-033 on March 12, 2020 consenting to the amendment. Rockaway Township did not submit a response to the request for consent.

Sewer service is not guaranteed by adoption of this amendment since it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA resulting from adoption 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.

11/12/2020

SIGNED

Date

Kimberly Cenno, Bureau Chief
Bureau of Environmental Analysis, Restoration and Standards
Division of Water Monitoring and Standards