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## **ENVIRONMENTAL PROTECTION**

### **WATER RESOURCE MANAGEMENT**

#### **DIVISION OF WATER MONITORING AND STANDARDS**

##### **Adopted Amendment to the Sussex County Water Quality Management Plan**

###### **Public Notice**

**Take notice** that on February 9 2021, 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 Sussex County Water Quality Management (WQM) Plan. The amendment, identified as “Sparta High School Athletic Complex” (Program Interest No. 435459, Activity No. AMD180002), expands the sewer service area (SSA) of the Sussex County Municipal Utilities Authority (SCMUA) Upper Wallkill Wastewater Treatment Facility by 0.09 acres to serve a proposed restroom building and an existing concession building on a portion of Block 26001, Lot 103, Sparta Township, Sussex County. The proposed project consists of a new bathroom building that would serve a stadium of 1,773 seats and an existing concession stand and would generate a projected wastewater flow of 5,319 gallons per day (gpd), based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, to be received by the SCMUA Upper Wallkill Wastewater Treatment Facility (NJPDES Permit No. NJ0035483).

The preliminary notice was published in the New Jersey Register on March 2, 2020 at 52 N.J.R. 482(b). No comments were received during the comment period. This notice represents the Department’s determination that the amendment is compliant with the 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 alternations 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 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 will add less than 100 acres and will generate less than 20,000 gpd of wastewater; therefore, update of the wastewater treatment capacity analysis is not required.

The proposed project is located within the Highlands planning area portion of Sparta Township, which is not a Highlands conforming municipality as defined at N.J.A.C 7:15-1.5, since it has not had its Regional Master Plan (RMP) conformance petition approved by the Highlands Council or adopted a planning area conformance petition ordinance and land use ordinance amendments consistent with that approval. Pursuant to Executive Order 114, the Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the RMP and issued a letter dated June 14, 2018, stating that, although the proposed project is located in an area of a HUC 14 subwatershed identified as being in a deficit of Net Water Availability, the project is considered consistent because the referenced subwatershed was part of a pilot study for a Water Use and Conservation Management Plan (WUCMP) and the Township was progressing from the pilot study to a municipal-wide WUCMP through Plan Conformance.

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 Regional Master Plan, 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 sewer service areas, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e), as any contiguous areas of 25 acre 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 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) through (g) and made the following findings:

- The Department determined that the expanded sewer service area does not contain any areas mapped as threatened and endangered wildlife species habitat Rank 3, 4 or 5 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.
- 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 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 area 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.
- 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 Coastal Area Facility Review Act (CAFRA) Planning Map based on the "CAFRA Layers" GIS layer in accordance with 7:15-4.4(f).

- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project site 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> 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 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 Sparta Township, Sussex County Municipal Utilities Authority, the Sussex County Board of Chosen Freeholders, and the New Jersey Highlands Council. The New Jersey Highlands Council sent a letter on June 14, 2018, stating that the project was consistent with the Highlands RMP and they consented to the amendment. The Sussex County Municipal Utilities Authority passed Resolution No.18-117 on November 7, 2018 consenting to the amendment. The Township of Sparta declined to respond to the applicant's request for a resolution of consent. As a Designated Planning Agency for Sussex County WQMP, the Sussex County Board of Chosen Freeholders consented to the project in the form of Resolution on November 10, 2020 and in order to comply with their DPA procedures, issued a response on January 29, 2021 clarifying that the resolution would approve the amendment.

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.

\_\_\_2/9/2021\_\_\_

Date

\_\_\_\_\_SIGNED\_\_\_\_\_

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