

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE UPPER RARITAN AND NORTHEAST  
WATER QUALITY MANAGEMENT PLANS

Public Notice

Take notice that on **AUG 13 2008**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Upper Raritan and Northeast Water Quality Management Plans was adopted by the Department of Environmental Protection (Department). This amendment modifies the Rockaway Valley Regional Sewage Authority Wastewater Management Plan. This amendment would allow for the construction of the proposed Heritage Village 55, an age-restricted residential development to be located at Block 49, Lots 4 & 6 (proposed Lots 6.01 & 6.08) Randolph Township, Morris County. The project property is situated at the intersection of Calais Road and Edgewood Road, bounded to the north by Calais Road and to the east by the India Brook. The project site encompasses a total of 19 acres. The proposed development consists of 31 two bedroom units, access roads and associated infrastructure. The projected wastewater flow from the proposed age restricted development, calculated in accordance with N.J.A.C. 7:14A-23.3, is 5,270 gallons per day (gpd). Generated wastewater from the proposed development would be treated on-site and discharged to groundwater via sub-surface disposal systems. This amendment only designates the 8.35 acres portion of the project property on which wastewater generating facilities are proposed to be located as the Heritage Village 55 sewer service area.

This amendment has been reviewed in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. This evaluation determined that the threshold for Executive Order 109 (2000) (EO109) was not triggered, therefore alternative and environmental impact analyses were not required. However, due to the presence of the on-site India Brook, a Category 1 (C1) State open water and a delineated on-site tributary to India Brook, the Department reviewed the proposal for the establishment of Special Water Resource Protection Areas (SWRPA) pursuant to N.J.A.C. 7:8-5.5(h). The Department determined that Preliminary/Final Site Plan and Major Subdivision approval was issued to the applicant on April 7, 2003, and at the time of this review, no permits applicable under N.J.A.C. 7:8-1.6 were required. Therefore, the project as proposed was exempt from this rule.

However, on November 5, 2007 the Department adopted the Flood Hazard Area Control Act (FHACA) rules, N.J.A.C. 7:13. Pursuant to this new rule, a 300-foot Riparian Zone (RZ) is established adjacent to regulated waters that are designated as a C1 waterbody. Regulated activities proposed within the RZ must receive Department approval. Limited disturbance may be permitted under an individual permit or a hardship exception. As a result of the proposed project activities within the 300 foot RZ of the India Brook the proposed project may no longer meet the exemption requirements under N.J.A.C. 7:8-1.6(b)2 of the Stormwater Rule. Therefore, upon review by the Division Land Use Regulation, the project scope may be subject to both N.J.A.C. 7:13 and N.J.A.C. 7:8 (Stormwater Management Rule).

The applicant indicated to the Department that the Morris County Municipal Utility Authority (MCMUA) would supply potable water to the proposed project. Recently, upon application for water supply, the Department has become aware that the water allocation permit for the MCMUA water supply is currently in a

deficient status. As this proposed project did not trigger the threshold for EO109 alternative and environmental impact analyses, this issue is outside the review of this amendment. However, as the MCMUA currently has a water supply deficiency, the Department is not approving Water Main Extension (WME) applications in any of the municipalities that rely on MCMUA for water at this time. Consequently, the issue of water supply for the proposed development must be resolved with the Bureau of Water Allocation prior to approval of a WME for this project.

This amendment proposal was noticed in the N.J.R. on February 20, 2007 at 39 N.J.R. 698(b). The proposed project site is located within the Highlands Planning Area. In accordance with the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38, the Department shall not approve a Water Quality Management Plan amendment for a project proposed in the Planning area without first obtaining a recommendation from the Highlands Council (Council). Comments containing recommendations were received from the Council on December 20, 2007 and are summarized below with the Department's response.

**Comment:** As proposed in the Draft Highlands Regional Master Plan (RMP) the 300-foot riparian protection area (Highlands Open Water Protection Area) required under the Highlands Water Protection and Planning Act Rules for all water bodies within the Highlands Preservation Area would extend to open water bodies within the Highlands Planning Area. The Council recommends that a permanent conservation easement be imposed for that portion of the proposed 300-foot Highlands Open Water Protection Area and regulated wetlands transition areas not affected by the proposed construction and or grading, so as to preserve the remaining area from any future development.

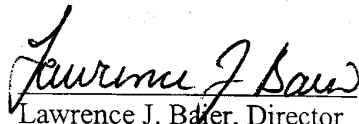
**Response:** As recommended by the Council, the project developer has executed a conservation easement for the undeveloped portion of the project site delineated as within 300 foot riparian Highlands Open Water Protection Area as proposed in the Draft RMP and regulated wetlands transition areas. This conservation easement was recorded with the County of Morris on June 12, 2008.

**Comment:** The Council has determined that the two water supply sources to the proposed development have current deficits of net water availability. Furthermore, the project site is not located within the same HUC14 subwatershed as either water supply well. As proposed, any proposed additional consumptive or depletive water use that exacerbates a water supply deficit is inconsistent with the Draft Highlands Regional Master Plan. To remedy this potential loss, the Council recommends mitigation measures be initiated through either conservation or groundwater recharge to offset this loss by 125%. However, as the project site is not located within the same subwatershed as the water supply wells, on-site mitigation is not an option for the applicant. As a result, to mitigate the depletive loss of approximately 9,400 gpd, the Council suggests that the Township of Randolph adopt a Resolution that stipulates the water conservation measures to be taken, including, but not limited to, consumer conservation and water line repair.


**Response:** In response to the Council's recommendation, Randolph Township submitted to the Department copies of existing ordinances that establish the Municipality's efforts to reduce water consumption associated with the public water system. Ordinance #32-05 referred to as "Block Rate Fee Structure" is designed to place a significant cost burden on large consumers, most notably customers with lawn sprinkling systems. Ordinance #12-07 established an odd/even residential lawn watering usage restriction combined with an aggressive enforcement effort and fine structure. Finally, provided by the Township were

"Water Leak Detection and Systems Mapping Assessment Summary Reports" for 2006 and 2007. The combination of these reports documented that a total of 49 detected leaks with an estimated loss of 439,704 gpd were repaired by the Randolph Public Works Department. The submitted documentation demonstrated mitigation efforts far in excess of the recommended 9,400 gpd to compensate for the depletive consumptive loss as a result of the proposed Heritage 55 development. Therefore, the Department determined that compensation for this potential water depletive loss has been and will continue to be met in the future.

This proposed amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. Additional issues which may need to be addressed may include, but are not limited to, the following: water supply; compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.



Lawrence J. Baker, Director  
Division of Watershed Management  
Department of Environmental Protection

  
Date