

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 5, 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 “Iron Mountain Road” (Program Interest No. 435442, Activity No. AMD220001) would expand the sewer service area (SSA) of the Rockaway Valley Regional Sewage Authority (RVRSA) (NJPDES No. NJ0022349) by 3.77 acres on Block 202, Lot 1, in Mine Hill Township, Morris County, to serve a proposed 393,335 square foot (sf) warehouse building comprised of 374,500 sf of warehouse space and 18,835 sf of office space. The proposed development also includes Block 203, Lots 12.01 and 14.01, which are already partially located within the currently approved SSA and are not the subject of this amendment. The project will generate a projected wastewater flow of 17,484 gallons per day (gpd) based on three daily work shifts, calculated in accordance with N.J.A.C. 7:14A-23.3.

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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 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 of proposed SSA 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. Areas eligible for sewer service in the Highlands Region are defined at N.J.A.C. 7:15-4.4(c). As delineated in the Highlands Regional Master Plan (RMP), the proposed project property is located within the Protection Zone of the Highlands Planning Area of Mine Hill Township. Mine Hill 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 Highlands Regional Master Plan (RMP). In a letter incorrectly dated January 5, 2022, instead of January 5, 2023, the Highlands Council determined that the proposed project was consistent with the RMP. The determination was based on Mine Hill Township entering into a Tri-Party Agreement for the development of a municipal Water Use and Conservation Management Plan

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(WUCMP), which is pending adoption by the Township, and the proposed project demonstrating achievement of the water use mitigation target through the proposed implementation of water use mitigation measures, including low-flow fixtures, bioretention/infiltration stormwater basins, and planting of drought tolerant, native species.

In accordance with N.J.A.C. 7:15-4.4(c)3, in the Highlands planning areas, for municipalities that do not conform with the Highlands Regional Master Plan, areas eligible for sewer service shall conform to 4.4(d) and (h). 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 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 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 3, 4 or 5 on the Department's Landscape Maps of Habitat for Endangered, Threatened or other Priority Wildlife based on the "Landscape

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Project Data” Version 3.3 GIS data layers, in accordance with N.J.A.C. 7:15-4.4(e)1. The Department’s review determined that the site is mapped as Rank 4 habitat for bobcat and Rank 5 for the Indiana bat and the Northern Long-eared bat. The applicant submitted a Habitat Suitability Determination and Impact Assessment, dated February 22, 2022, prepared by Langan Engineering and Environmental Services, Inc., prepared in accordance with N.J.A.C. 7:15-4.7. The Department review determined that due to the limited suitable forested habitat, species record distance, and proximity to development, the proposed amendment will result in insignificant impacts to Indiana bat, Northern Long-eared Bat and Bobcat and is therefore eligible for inclusion in the SSA pursuant to N.J.A.C. 7:15-4.4(k)2.

- 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. Additionally, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI) (File #1420-22-0001.1 FWW220001) confirming that no wetlands are present on the site.

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- 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 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>. Wastewater generated by the project would 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 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 project site does not contain wetlands or 100-year floodplains based on the “Wetlands 2012” GIS data layer, LOI 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 Township Council of Mine Hill passed a Resolution of Support (#107-22) for the amendment on October 6, 2022. On June 7, 2022, the Morris County

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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  
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. AMD220001 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.

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Such requests should reference Program Interest No. 435442, Activity No. AMD220001 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.

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.

4/6/2023  
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