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Public Notice

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Northeast and Upper Raritan Water Quality Management Plans

Take notice that on May 9, 2019, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Statewide Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted a site specific amendment to the Northeast and Upper Raritan Water Quality Management (WQM) Plans. This amendment expands the sewer service area (SSA) of the Rockaway Valley Regional Sewage Authority (RVRSA) by 29.15 acres to serve three areas of existing development located in Mine Hill Township, Morris County: “Randall Avenue Neighborhood” (Program Interest No. 435422, Activity No. AMD180002), “Thomastown Road/Valley View” (Program Interest No. 435422/435434, Activity No. AMD180005/AMD180003), and “Alpine Valley Neighborhood Phase 2” (Program Interest No. 435422/435434, Activity No. AMD180006/AMD180004), which will generate a total projected wastewater flow of 27,330 gallons per day (gpd) to be received by the RVRSA wastewater treatment facility (WTF), NJPDES No. NJ0022349, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

Randall Avenue Neighborhood will expand the RVRSA SSA by 6.33 acres to serve twelve existing single-family homes and four existing affordable housing units located on Block 802, Lots 23-25 and 27-36 that generate 4,500 gpd of wastewater. Thomastown Road/Valley View will expand the RVRSA SSA by 10.24 acres to serve nineteen existing single-family homes on Block 1505, Lots 1-3, portions of Lots 4-9, and Lot 10; Block 1506, portions of Lots 1-1.01; and Block 1509, Lots 1-7 that generate 5,700 gpd wastewater. Alpine Valley Neighborhood Phase 2 will expand the RVRSA SSA by 12.58 acres to serve forty-

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two existing single-family homes, two existing mixed commercial/residential use properties, and two existing commercial use properties located on Block 802, Lots 1-8 and 10-15; Block 803, Lots 2-12; Block 804, Lots 1, 1.01, 2, 3.01, 4, 5.01, 6-12, 22, and 23; Block 809, Lots 1-4; and Block 810, Lots 1-3 that generate 17,130 gpd of wastewater. All three existing developments currently discharge or are approved for discharge to individual subsurface sewage disposal systems, many of which are failing or expected to fail. Preliminary notice of this amendment was published in the New Jersey Register on January 7, 2019 at 51 N.J.R. 101(b). No comments were received during the public comment period.

The proposed amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department's determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.3, 3.5, 4.4 and 4.5, as described below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications 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 amendment would add 29.15 acres to the SSA and would generate a projected wastewater flow of 27,330 gpd, based on flow calculations in accordance with N.J.A.C. 7:14A-23.3. The RVRSA WTF is currently permitted to discharge up to 12 million gallons per day (mgd) under NJPDES permit NJ0022349. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing wastewater flow is the highest consecutive 12-month rolling average flow during the five-year period preceding the amendment application (September 2018), which was calculated to be 9.13 mgd (October 2017 to September 2018) based on NJPDES Discharge Monitoring Reports reported in DEP

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Data Miner (<https://www13.state.nj.us/DataMiner#>). The additional flow from these three areas should not cause the facility to exceed its permitted capacity; therefore, no additional wastewater treatment plant capacity analysis is required.

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 the New Jersey Water Supply Authority, Mine Hill Township, Morris Counties, and the RVRSA. A statement of consent from a governmental entity must be in the form of a resolution adopted by the entity's governing body. The New Jersey Water Supply Authority adopted Resolution No. 2376 on March 4, 2019, approving the amendment. Mine Hill Township adopted Resolution 033-19 on February 7, 2019, approving the amendment. The Morris County Office of Planning and Preservation did not offer a position in support or opposition of the proposed amendment on February 6, 2019. The Commissioners of the RVRSA adopted Resolution 19-056 on April 11, 2019, consenting to the amendment, with conditions including:

- Determination of consistency with the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38;
- Compliance with Special Grant Condition No. 4, federal project C340389-04-2, effective November 29, 1983 prohibiting connection of vacant lot(s) that encroach upon any ESAs;
- Execution of an amendment to the customer service contract between the Township of Mine Hill and the RVRSA to provide for the additional discharge of 19,480 gpd pursuant to N.J.S.A. 40:14A-8.

In accordance with N.J.A.C. 7:15-3.5(h), applicants for proposed amendments in the Highlands Region must simultaneously submit the amendment application to both the Department and the Highlands Council. The areas proposed for sewer service are located within the Highlands Planning Area portion of Mine Hill Township, which is not a Highlands conforming municipality as defined at N.J.A.C 7:15-1.5. The Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the Regional Master Plan (RMP) and issued letters that were received by the

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Department on April 13, 2018 (Randall Ave Neighborhood Project) and October 29, 2018 (Thomastown Road/ Valley View and Alpine Valley Neighborhood Phase 2) stating that since the parcels are located in the Existing Community Zone of the Planning Area, an Executive Order 114 (2008) review was not required.

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 RMP, 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 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 endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One 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 proposed expanded SSA 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 endangered and threatened wildlife species habitats Ranks 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.

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- The Department determined that the expanded sewer service area does not contain any Category One (C1) waters or their 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 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 CAFRA Planning Map based on the “CAFRA Layers” GIS layer in accordance with 7:15-4.4(f).
- The Department determined that, while the RVRSA WTF is subject to Section 201 Facilities Plan grant conditions under a grant agreement between the RVRSA and USEPA (project number C-34-389-02), the expanded sewer service area does not contain any ESAs in which the grant conditions prohibit the extension of the sewer service 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 includes only areas of existing development and is therefore consistent with land uses allowed by local zoning and the county and local master plans.

Sewer service is not guaranteed by this amendment. This amendment 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.

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May 9,2019

SIGNED

Date

Bruce S. Friedman, Director
Division of Water Monitoring and Standards