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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 for Betsy Ross Diner

Public Notice

Take notice that on _____, 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 (Program Interest No. 435442, Activity No. AMD180008) to the Northeast Water Quality Management (WQM) Plan and Morris County Wastewater Management Plan. The amendment expands the sewer service area (SSA) of the White Rock Lake Sewage Treatment Plant (NJPDES No. NJ00268679) by 1.3 acres to serve a proposed diner on Block 473.12, Lot 16.06, Jefferson Township, Morris County. The proposed project, identified as “**Betsy Ross Diner**,” consists of a 100-seat restaurant that would generate a projected wastewater flow of 3,500 gallons per day (gpd) to be received by the White Rock Lake Sewage Treatment Plant based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. Preliminary notice of this amendment was published in the New Jersey Register on September 3, 2019 at 51 N.J.R. 1434(a). No comments were received during the public comment period.

This 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 applicable regulatory criteria 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 SSA 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

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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 is not 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 Jefferson Township and Morris County. A statement of consent from a governmental entity must be in the form of a resolution adopted by the entity's governing body. Jefferson Township did not pass a resolution within the 60-day consent period but they did issue a letter dated September 26, 2019 giving their consent for the proposed amendment. The Morris County Office of Planning and Preservation did not offer a position on the proposed amendment.

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 proposed project is located within an Existing Community Zone of the Highlands preservation area portion of Jefferson Township. The preservation area portion of Jefferson Township is considered conforming to the Highlands Regional Master Plan (RMP). However, the project has received a municipal Highlands Exemption #4, which allows for areas to be eligible for sewer service in the preservation area in accordance with N.J.A.C. 7:14-4.4(c)1. The Highlands Council reviewed the proposed amendment for consistency with the RMP and issued a letter dated March 6, 2019 stating that the proposed project is consistent with the RMP.

In accordance with N.J.A.C. 7:15-4.4(c)1, areas in the preservation area are eligible for sewer service if they qualify for certain exemptions from the Highlands Water Protection and Planning Act. Jefferson Township, as a municipality certified to issue determinations regarding certain Highlands Act

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exemptions, issued a Highlands Exemption #4 since the proposed activity involves no increase to existing impervious area.

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) 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 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 SSA does not contain areas mapped 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 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 expanded SSA does not contain any Category One (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.

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- The Department determined that the expanded SSA 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 SSA 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 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 SSA is consistent with land uses allowed by local zoning and the county and local master plans.

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.

11/19/19

Date

SIGNED

Bruce S. Friedman, Director

Division of Water Monitoring and Standards