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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

Public Notice

Take notice that on **June 23, 2020** , 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. AMD180009) to the Northeast Water Quality Management (WQM) Plan. This amendment expands the Two Bridges Sewerage Authority sewer service area (SSA) by 0.2 acres to serve an existing single-family dwelling currently served by a septic system located on a portion of Block 12, Lot 10, Riverdale Borough, Morris County. The project, identified as “Kavanagh-B&M Provisions LLC”, will generate a projected wastewater flow of 300 gallons per day (gpd) to be received by the Two Bridges Sewerage Authority Wastewater Treatment Plant (NJPDES No. NJ0029386) 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 February 3, 2020, at 52 N.J.R. 163(a). No comments were received during the comment period. This notice represents the Department’s determination that the 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 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 project involves less than 100 acres and will generate less than 20,000 gpd of wastewater; therefore, update of the wastewater treatment capacity analysis was not required.

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 Planning Area in Riverdale Borough. Riverdale Borough does not have an approved Petition for Plan Conformance with the Highlands Council to conform with the Highlands Regional Master Plan (RMP). 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 received by the Department on March 12, 2019 stating that the proposed project does not trigger Executive Order 114.

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 Two Bridges Sewerage Authority, Pequannock River Basin Regional Sewerage Authority, Riverdale Borough, and the Morris County Board of Chosen Freeholders. Morris County sent an email on February 7, 2020, stating that they took no position on the amendment. Pequannock River Basin Regional Sewerage Authority adopted a resolution on February 19, 2020, consenting to the proposed amendment. Two Bridges Sewerage Authority adopted a resolution on March 11, 2020 consenting to the proposed amendment. Riverdale Borough adopted a resolution on April 8, 2020, consenting to the proposed amendment.

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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), & (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 (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), (f), & (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, pursuant to N.J.A.C. 7:15-4.4(e)3, based on a review of the "Surface Water Quality Standards" GIS data layer, the parcel where the existing dwelling is located is mapped within a 300-foot C1 riparian zone associated with the on-site unnamed tributary to the Pequannock River, a designated C1 water. However as the SSA is limited to the footprint of the existing building, no impacts to the corresponding 300-foot riparian zone along this C1 water will result from this amendment.

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- The Department determined that, in accordance with N.J.A.C. 7:15-4.4(e), the expanded SSA does not contain any wetlands based on the “Wetlands 2012” GIS data layer. This determination was confirmed by the Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification (#1433-09-0002.1 FWW 090001).
- The Department determined that the expanded 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 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). While there are grant conditions on the interceptors and collection systems of the Pequannock River Basin Regional Sewerage Authority to be used by the project, which ultimately sends their collected wastewater to the Two Bridges Sewerage Authority Wastewater Treatment Plant, the project is not within wetlands as previously stated or the 100-year floodplain based on FEMA Flood Insurance Rate Maps.

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

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certifications required by any Federal, State, county, or municipal review agency with jurisdiction over this project/activity.

6/23/2020

Date

SIGNED

Bruce S. Friedman, Director

Division of Water Monitoring and Standards