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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Northeast Water Quality Management Plan

Public Notice

Take notice that on **July 27, 2021**, 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 to the Northeast Water Quality Management (WQM) Plan. The amendment, identified as “Dollar Tree Building Expansion” (Program Interest No. 435442, Activity No. AMD200001), modifies the West Milford Township Wastewater Management Plan (WMP) by expanding the Belcher Run Shopping Center discharge to ground water (DGW) wastewater treatment facility sewer service area (SSA) by 0.125 acres to include a proposed increase in square footage of the existing shopping center for a proposed Dollar Tree retail store. The Dollar Tree store is proposed to be located within the shopping center on Block 6401, Lot 1 (portion), West Milford Township, Passaic County. The proposed project consists of demolition of a portion of the existing shopping center with reconstruction resulting in an overall increase of 5,449 square feet to the shopping center. The wastewater from the existing shopping center is treated

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by the Belcher Run Shopping Center DGW facility regulated under the New Jersey Pollutant Discharge Elimination System (NJPDES) Sanitary Subsurface Sewage Disposal System General Permit T1 permit (NJG0173908). The Department has determined, due to the proposed demolition and reconfiguring of existing retail space, that the overall wastewater design flow volume of the shopping center will not increase. As a result, Belcher Run Shopping Center will continue to be regulated under the existing T1 permit and is not required to obtain a new individual NJPDES permit.

Preliminary notice was published in the New Jersey Register on February 16, 2021, at 53 N.J.R. 267(b). 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. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from the Wanaque Valley Regional Sewerage Authority and West Milford Township. The Wanaque Valley Regional Sewerage Authority adopted Resolution 21-38 on February 24, 2021, consenting to the proposed amendment. West Milford Township adopted Resolution 2021-164 on April 21, 2021, consenting to the proposed amendment. The Passaic County Board of County Commissioners adopted Resolution R20210569 on June 8, 2021, consenting to the proposed amendment.

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The proposed project is located in 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). The proposed project is located within an Existing Community Zone of the Highlands Preservation Area portion of West Milford Township. In a November 30, 2018, letter, the Highlands Council determined that the project was eligible for an exemption (Highlands Act Exemption #4), which allows for areas to be redeveloped in the Preservation Area in accordance with N.J.A.C. 7:38-2.3. The Highlands Council reviewed the proposed amendment for consistency with the Highlands Regional Master Plan (RMP) and issued a letter dated January 9, 2020, stating that the proposed project is consistent with the RMP. The Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the RMP and stated in the above-referenced January 9, 2020, letter that an Executive Order 114 (2008) review was not required as the consumptive/depletive uses are remaining the same post-development and the net water availability deficit will not be exacerbated due to the proposed project.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations to 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 gallons per day (gpd) or more of wastewater 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

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20,000 gpd of wastewater flow; therefore, update of the wastewater treatment capacity analysis is not required.

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 under N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of any of the following features, 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 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), and (g) and made the following findings:

- The Department determined that the SSA does not contain any areas mapped as 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 Project Data" Version 3.3 GIS data layers in accordance with N.J.A.C. 7:15-4.4(e)1.

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- The Department determined that the 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, based on a review of the “Surface Water Quality Standards” GIS data layer, that the Dollar Tree Store and the Belcher Run Shopping Center in which it is located, are within a 300-foot riparian zone associated with Belcher’s Creek which is a tributary to the Green Brook, a designated C1 waterbody. However, the shopping center was constructed in 1955 which predates the designation of Green Brook as a C1 waterbody in the New Jersey Surface Water Quality Standards. The expanded sewer service area is limited to an existing disturbed area with an impervious surface (the shopping center’s parking lot); therefore, no additional areas within the 300-foot riparian zone of the C1 waterbody will be disturbed. Furthermore, the discharge from the shopping center is to a DGW and not to the C1 waterbody.
- The Department determined that the 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 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).

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- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project 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 adopted zoning ordinances, future land uses shown in adopted municipal or county master plans, and other local land use objectives. The West Milford Township Planning Board adopted Resolution 2019-10 granting Preliminary and Final Site Plan with Bulk Variances approval on October 24, 2019. Passaic County did not respond to the applicant's request for a statement of consistency with the County master plan.

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 as a result of 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.

7/27/2021

Date



Gabriel Mahon
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Division of Watershed Protection and Restoration
NJ Department of Environmental Protection

