

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MARCH 21, 2022, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

**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 February 22, 2022, 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. This amendment, identified as Weiss-Aug (Program Interest No.435442, Activity No. AMD190010), expands the sewer service area (SSA) of the Rockaway Valley Regional Sewerage Authority (RVRSA) by 1.6 acres within a portion of Block 31601, Lot 2 in Denville Township, Morris County, to serve a proposed 63,315 square foot industrial building containing 6,510 square feet of office space, with 150 manufacturing and warehouse employees. As calculated in accordance with N.J.A.C. 7:14A-23.3, the project would generate a projected wastewater flow of 4,401 gallons per day (gpd) to be received by the RVRSA Wastewater Treatment Plant (NJPDES No. NJ0022349).

Preliminary notice of this amendment was published in the New Jersey Register on December 20, 2021 at 53 N.J.R. 2276(a). No comments were received during the comment

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MARCH 21, 2022, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

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 Denville Township, the Morris County Board of County Commissioners, RVRSA, and the New Jersey Highlands Council. On February 15, 2022, Denville Township adopted Resolution R-22-41, consenting to the amendment. In an email dated December 8, 2021, Morris County stated that they took no position on the amendment. The other entities declined to respond to the applicant's request for a resolution of consent.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to alterations 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 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 and will generate less than 20,000 gpd of wastewater; 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). The proposed project is located within the Existing Community Environmentally Constrained Subzone of the Highlands planning area. Denville Township is not a Highlands conforming municipality as defined at N.J.A.C. 7:15-1.5.

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MARCH 21, 2022, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

The Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the Highlands Regional Master Plan and issued a consistency determination in a letter dated January 10, 2020, in accordance with Executive Order 114 (2008). The Highlands Council determined that the project was not located in a HUC14 with a Net Water Availability deficit and was not subject to any further Highlands Council review.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSA, 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 <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 expanded SSA contains 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.

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MARCH 21, 2022, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

- 7:15-4.4(e)1. Review of the Landscape Maps determined that the site is identified as Rank 3 habitat for wood turtle. However, pursuant to N.J.A.C. 7:15-4.4(j), to rebut the accuracy of the GIS mapping designation, the applicant submitted a habitat evaluation and presence/absence survey for wood turtle study. The Department concluded that the wetlands, and therefore the uplands, are not considered to be suitable habitat for wood turtle, as documented in a Letter of Interpretation (LOI)/Line Verification File #1408-03-0001.1, FWW 160001 issued June 14, 2011, whereby the wetlands were found to be of intermediate resource value and that classification was maintained through a reissuance on July 1, 2016.
- 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 there is a C1 water, Peck Meadow Brook, also known as Meadow Brook, which is a tributary to the Den Brook, and its corresponding 300-foot riparian zone on the project site; however, the SSA does not contain any C1 water or 300-foot riparian zones along any C1 waters or upstream tributaries within the same HUC14 watershed of any C1 waters based on the “Surface Water Quality Standards” GIS data layer in accordance with N.J.A.C. 7:15-4.1(c)1 or N.J.A.C. 7:15-4.4(e)3.
  - The Department determined that there are wetlands located on the project site based on the “Wetlands 2012” GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4; however, pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands LOI/Line

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MARCH 21, 2022, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

Verification (File #1418-03-0001.1, FWW160001) confirming that there are no wetlands within the expanded SSA.

- 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).
- 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 will 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 Project Number 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, prime agricultural land or within the 100-year floodplain unless a mapping revision or grant waiver is obtained from the USEPA. The project property contains wetlands based on the “Wetlands 2012” GIS layer and floodplains based on FEMA Flood Insurance Rate Maps. On September 15, 2021, the USEPA issued a partial waiver for the project. The partial waiver allows for the connection of the proposed project as noted in the project site plan only; the ESA grant condition remains in place on the remaining ESAs

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MARCH 21, 2022, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

on the parcel. Any modification to the project and/or future connections to the RVRSA would need to be evaluated and require resubmittal of another waiver request.

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 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. The project was approved by the Denville Township Planning Board during an April 14, 2021 meeting (application No. PB/PSP/FSP 19-05). In an email dated October 18, 2021, Morris County took no position on the amendment.

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.

2/22/2022

Date



\_\_\_\_\_  
Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management  
Division of Watershed Protection and Restoration  
NJ Department of Environmental Protection