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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 **September 2, 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 “Hurstmont-Glen Alpin” (Program Interest No.435442, Activity No. AMD190009, establishes a new discharge to groundwater (DGW) sewer service area (SSA) of 17.6 acres on portions of Block 27, Lot 2 and Block 34, Lot 1, Harding Township, Morris County to serve a proposed 250-unit residential housing development consisting of 75 1-bedroom units, 50 2-bedroom units, 40 2-bedroom age-restricted units, and 85 1-bedroom assisted living units to be located on Block 27, Lot 2. In addition, an existing structure located on Block 34, Lot 1 is to be renovated into a banquet hall designed for 360 people. Wastewater from both the proposed residential development and the banquet hall would be served by a proposed on-site DGW wastewater treatment system, which will be regulated under a New

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Jersey Pollutant Discharge Elimination System (NJPDES) permit. As calculated in accordance with N.J.A.C. 7:14A-23.3, the project would generate a projected wastewater flow of 45,000 gallons per day (gpd).

Preliminary notice of this amendment was published in the New Jersey Register on June 6, 2022, at 54 N.J.R. 1099(a). No comments were received during the comment period. This notice represents the Department's determination that the amendment complies 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 Harding Township, the Morris County Board of County Commissioners, and the New Jersey Highlands Council. On June 20, 2022, Harding Township passed Resolution TC 22-137, consenting to the amendment. In an email dated June 2, 2022, Morris County stated that they took no position on the amendment. The New Jersey Highlands Council did not pass a resolution as the amendment was not subject to Highlands review.

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

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but will generate more than 20,000 gpd of wastewater. However, since the wastewater is to be treated by a proposed new on-site wastewater treatment facility specifically for this project, a 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. As delineated in the Highlands Regional Master Plan (RMP), the proposed project property is located within the Protection Zone of the Highlands planning area. Harding Township has not opted to conform with the Highlands RMP. However, in accordance with Executive Order 114 (2008), the Highlands Council reviewed the amendment for consistency with the Net Water Availability (NWA) provisions of the RMP and issued a letter dated March 24, 2020, stating that, based on recent Net Water Availability calculations, the project site is located in a HUC14 subwatershed which is not in a deficit, and therefore, the project is not subject to Highlands Council's 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): 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, 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

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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 new SSA contains areas mapped as endangered or threatened wildlife species habitat for Wood Turtle (Rank 3) and Northern Myotis and Indiana Bat (Rank 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. However, based on review of the Habitat Suitability Determination/Habitat Impact Assessment (HSD/HIA) prepared and submitted pursuant to N.J.A.C. 7:15-4.6 and 4.7, the Department determined that, in accordance with N.J.A.C. 7:15-4.4(j)2, the mapped habitat for Wood Turtle is not suitable as the species is not documented in the nearby Primrose Brook and no wetland or water features or associated buffers occur on-site. It was determined that the project would impact 4.54 acres of potential Northern Myotis and Indiana Bat habitat. An acoustic survey was conducted during the active foraging and maternity season and did not identify either bat species on the project site, indicating that no maternity roost for either species was present on the project site. Additionally, the project site is adjacent to over 1,000 acres of protected open space offering similar habitat and critical habitats for the species, such as wetlands, waters, and riparian forests that are not present on the project site. In accordance with N.J.A.C. 7:15-4.4(k)2, the Department concurred with the

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HSD/HIA find that, for the habitat that could not be avoided by the project, the impacts would be insignificant or discountable on the maintenance of local breeding, resting, or feeding of both the Northern Myotis and Indiana Bat.

- The Department determined that the new 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 new SSA does not contain any C1 waters 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. 7:13-4.1(c)1 and 7:15-4.4(e)3.
- The Department determined that the new SSA does not contain 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 new 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 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> in accordance with N.J.A.C. 7:15-4.4(g).

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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 municipal and county master plans, and other local land use objectives. The proposed project is consistent with land uses allowed by local zoning and the county and local master plans. On February 25, 2019, Harding Township adopted Resolution 17-073 designating the project site as a non-condemnation Area in Need of Development. In a December 6, 2021, email to the Department, Harding Township confirmed that the project was consistent with the zoning and master plan. The Morris County Office of Planning and Preservation indicated to the Department that it took no position on the project.

Sewer service is not guaranteed should this amendment be adopted as 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 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.

09/02/2022

SIGNED _____

Date

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