

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JULY 17, 2023 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LANDMANAGEMENT**

### **DIVISION OF WATERSHED PROTECTION AND RESTORATION**

#### **Adopted Amendment to the Northeast Water Quality Management Plan**

**Take notice** that on June 14, 2023, 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 Rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment to the Northeast County Water Quality Management (WQM). The amendment, identified as “Recchia” (Program Interest No. 435442, Activity No. AMD220003) expands the sewer service area (SSA) of the Rockaway Valley Regional Sewage Authority (RVRSA) (NJPDDES No. NJ0022349) by 1.081 acres to accommodate the subdivision of Block 20401, Lot 2 into two additional lots for two proposed single-family homes in Denville Township, Morris County. The existing house on Lot 2 is currently in the SSA and will remain in the SSA. The portion of Lot 2 that is not currently in the SSA will be subdivided into Lots 11.06 and 11.07. The project will generate a projected wastewater flow of 600 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

Preliminary notice was published in the New Jersey Register on March 20, 2023, at 55 N.J.R. 559(b). No comments were received during the comment period. This notice represents

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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 a written statement of consent from the RVSRA, Denville Township and the Morris County Board of County Commissioners. Denville Township adopted Resolution R-23-83 on April 5, 2023, consenting to the proposed amendment. In an email dated March 15, 2023, the Morris County Office of Planning and Preservation stated that they took no position on the amendment. The RVSA adopted Resolution 23-069 on June 8, 2023, consenting to the proposed amendment.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations to the eligible SSAs 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 flow; therefore, update of the wastewater treatment capacity analysis is not required.

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 Environmentally Constrained Zone of the Highlands Planning Area. Denville Township has not opted to conform with the Highlands Regional Master Plan (RMP). However, pursuant to

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Executive Order 114 (2008), the Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the RMP. The Highlands Council issued a letter dated May 4, 2022, stating that the proposed project was not in a deficit HUC 14, does not trigger Executive Order 114, and therefore the project is not subject to 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 <https://gisdata-njdep.opendata.arcgis.com> 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 endangered or threatened wildlife species habitat Rank 4 for the bobcat and Rank 5 for the Indiana bat 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

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with N.J.A.C. 7:15-4.4(e)1. N.J.A.C. 7:15-4.4(j)2 provides that an applicant may rebut the presumption that the Department's environmental data is accurate by providing a Habitat Suitability Determination (HSD) prepared pursuant to N.J.A.C. 7:15-4.6, that demonstrates that an area does not include suitable habitat for endangered or threatened wildlife species. On April 21, 2022, the applicant submitted a Habitat Impact Assessment (HIA), prepared by Thomas Aufferorde and Evie McMenamin of EcolScience, Inc. The Department concurred with the findings of the HIA that the expanded SSA would result in insignificant impacts on the maintenance of local breeding, resting, and feeding of the bobcat and Indiana bat habitat. The Department was able to make the determination based on the poor quality of the habitat, species record distance from the site, the proximity to existing development and the relatively minor habitat loss anticipated.

- 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 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 N.J.A.C. 7:13-4.1(c)1 and 7:15-4.4(e)3.
- The Department determined that the expanded 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.

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- 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 N.J.A.C. 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 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 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 or within the 100-year floodplain unless a mapping revision or grant waiver is obtained from USEPA. The expanded SSA does not contain wetlands, is not prime agricultural land, and is not located within a 100-year floodplain based on the “Wetlands 2012” GIS data layer and FEMA Flood Insurance Rate Maps. Therefore, no waiver from the USEPA is required for this amendment.

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 and county master plans, and other local land use objectives. The project received preliminary and final subdivision approval on September 14, 2022. On June 7, 2022, the Morris County Department of Planning

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confirmed via email that it will not offer a position regarding the proposed amendment's 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 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.

6/14/23  
Date

Signed  
Gabriel Mahon, Bureau Chief  
Bureau of NJPDES Stormwater Permitting & Water  
Quality Management  
Division of Watershed Protection and Restoration  
New Jersey Department of Environmental Protection