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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

Take notice on October 20, 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 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 “Mason Ridge - Denville” (Program Interest No. 435442, Activity No. AMD220004) expands the sewer service area (SSA) of the Parsippany-Troy Hills Wastewater Treatment Plant (WWTP) (NJPDES No. NJ0024970) by 6.978 acres on Block 21401, portion of Lots 1, and 2, in Denville Township, Morris County, to serve a proposed 120 residential unit multi-family residential development (96 market-rate and 24 affordable units) consisting of 4 one-bedroom apartments, 15 two-bedroom apartments and 101 three-bedroom apartments or townhouses. There are 4.376 acres of the project site located within the currently adopted SSA on Lots 1, 2 and 3. Of the currently adopted SSA, 2.302 acres will be removed from the SSA. An additional 0.745 acres of the currently adopted SSA will be removed and conserved along with an additional 5.659 acres of the project site, for a total of 6.404 acres conserved. The project will generate a projected wastewater flow of 34,275 gallons per day (gpd) of which 28,575 gpd will be generated by the portion of the project located within the newly adopted sewer service area, calculated in accordance with N.J.A.C. 7:14A-23.3.

Preliminary notice was published in the New Jersey Register on August 7, 2023, at 55 N.J.R. 1754

(a). No comments were received during the comment period. This notice represents the Department’s

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determination that the amendment is compliant with the 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, Parsippany-Troy Hills Sewerage Authority (SA), Morris County Board of County Commissioners and the New Jersey Highlands Council. Denville Township did not respond to the request for a statement of consent, however, the Township had previously passed Resolution R-22-206, consenting to the amendment. The Parsippany-Troy Hills SA did not respond to the request for a statement of consent. In an email dated August 15, 2023, the Morris County Office of Planning and Preservation, on behalf of the Morris County Board of County Commissioners, stated that they took no position on the amendment. The New Jersey Highlands Council, in an email dated August 18, 2023, stated they do not issue resolutions of consent, but referenced their November 29, 2022, letter, which found the project consistent with EO114.

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 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 project involves less than 100 acres but will generate more than 20,000 gpd of wastewater flow. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing wastewater flow at the Parsippany-Troy Hills WWTP, calculated as the highest consecutive 12-month rolling average during the five-year period preceding the amendment application, was determined to be 10.942 million gallons per day (mgd) (July 2018 to June 2019) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner (<https://www.13.state.nj.us/DataMiner>). The Parsippany-Troy Hills WWTP is currently permitted to

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discharge up to 16 mgd under NJPDES Permit No. NJ 0024970. As such, the Parsippany-Troy Hills WWTP currently has capacity for the project.

The 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 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 Executive Order 114 (2008), the Highlands Council reviewed the amendment for consistency with the Net Water Availability provisions of the RMP. In a letter dated November 29, 2022, the Highlands Council determined the project was consistent with Executive Order 114 (2008) based on Denville Township's adoption of a Water Use and Conservation Management Plan (WUCMP) on May 11, 2022, the site conditions, location and the proposed project meeting the 20% set aside for affordable housing.

In accordance with N.J.A.C. 7:15-4.4(c)3, in the Highlands planning areas, for municipalities that do not conform with the RMP, areas eligible for sewer service shall conform to N.J.A.C. 7:15-4.4(d) and (h). 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 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

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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 for Bobcat (Rank 4) 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. Pursuant to N.J.A.C. 7:15-4.5(k), the applicant submitted a Habitat Impact Assessment (HIA), dated October 28, 2022, prepared by EcolSciences, Inc., prepared in accordance with N.J.A.C. 7:15-4.7. The Department review determined that due to onsite habitat conditions, proximity to development and overall landscape position, the amendment will result in insignificant impacts to Bobcat, pursuant to N.J.A.C. 7:15-4.4(k)2. However, the Department identified forested habitat on the project site that is suitable for foraging and habitat for the Indiana bat. The Department determined that implementation of the following conservation measures was required in order for the project to result in insignificant or discountable effects on the maintenance of local breeding, resting or feeding of the endangered or threatened species. Provided these conditions are met, the project site is eligible for inclusion in the SSA pursuant to N.J.A.C. 7:15-4.4(k)2.

1. The applicant executed a conservation restriction on August 15, 2023, establishing a permanent conservation easement on 6.404 acres of the property. Pursuant to N.J.A.C.7:15-4.4(k)3, the conservation easement was filed with the Morris County Clerk in accordance with the New Jersey Recording Act, N.J.S.A. 46:15-1.1 et seq on October, 10, 2023. The 6.404 acres are to be maintained in its existing state or revegetated with appropriate tree species as shown on the concept plan entitled, "Mason Ridge-Denville, Lots 1, 2, and 3, Block 21401, Township of Denville, Morris County, New Jersey, Proposed Sewer Service Area Plan" dated October 28, 2022, and last

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revised on February 24, 2023, prepared by Gladstone Design, Inc. The conservation restriction runs with the property and is binding on all successive owners, their agents and assigns.

2. Consistent with United States Fish and Wildlife Service (2022) guidance, no trees may be cleared on the subject property between April 1st and November 15th in any given year to minimize potential take of a federally listed bat species.
- 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 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 Letter of Interpretation (LOI)/Line Verification File # 1408-22-0008.1 confirming that there are no wetlands within the expanded sewer service area.
 - 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).

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- 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).

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. In correspondence dated January 11, 2023, Steven Ward, the Denville Township Administrator, confirmed that the development was consistent with Denville’s Zoning Ordinances. On December 20, 2022, the Morris County Office of Planning and Preservation confirmed via email that they would not offer a position regarding the amendment’s consistency with the county master plan.

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.

10/20/2023
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