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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION & RESTORATION

Adopted Amendment to the Sussex County Water Quality Management Plan

Take notice that on October 14, 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 Sussex County Quality Management (WQM) Plan. The amendment, identified as the Hudson Farm (Program Interest No. 435459, Activity No. AMD210001), expands the Hudson Farm discharge to groundwater sewer service areas (SSA) by approximately of 0.15 acres to accommodate a new pavilion located on Block 50002, Lot 7, in Hopatcong Borough, Sussex County. The project parcel is an approximately 417-acre lot that has historically had multiple uses consisting of agriculture, single-family dwellings, and a private club with amenities that are regulated under an existing New Jersey Pollutant Discharge Elimination System (NJEMS) general permit (T-1) NJG0179523. The pavilion, an approximately 6,553 square foot structure, will serve as an events pavilion to accommodate a maximum of 150 people. As calculated in accordance with N.J.A.C. 7:9A-7.4, the pavilion would generate a projected wastewater flow of 750 gallons per day (gpd). Recently, an existing residential dwelling was reconfigured for use as a Pro-Shop, decreasing the wastewater design flow for this structure from its prior use design flow. The Department determined that with this reduction, the overall wastewater design flow for the

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entire site, including the flow from the new pavilion, was now 8,958 gpd, less than the prior design flow of 9,575 gpd. Therefore, the existing authorization pursuant to the NJPDES T-1 general permit (NJG0179523) could be maintained.

Preliminary notice of this amendment was published in the New Jersey Register on June 6, 2022, at 54 N.J.R. 1100(a). 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 Hopatcong Borough and the New Jersey Highlands Council. On June 1, 2022, Hopatcong Borough passed Resolution 2022-84, consenting to the amendment. The Highlands Council did not provide a response to the consent request. As the Designated Planning Agency (DPA) for the Sussex County WQMP area, the Sussex County Board of County Commissioners consented to the project in the form of a Resolution on July 7, 2022, and in order to comply with their DPA procedures, the county issued a letter on October 11, 2022, clarifying that the resolution approved the 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.

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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. 13:20-7a. The proposed project is located within the Highlands preservation area of Hopatcong Borough. Hopatcong Borough petitioned the Highlands Council for plan conformance with the Highlands Regional Master Plan (RMP) for both the planning and preservation area and was approved on September 20, 2012.

Pursuant to the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38, expansion of a SSA in the Highlands preservation area requires either a Highlands Preservation Area Approval (HPAA) with Waiver or that it be deemed exempt from the Highlands rule. On July 6, 2020, the project received a municipal Highlands Exemption #4. In accordance with Executive Order No. 114 (2008), the Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the RMP and issued a letter dated November 18, 2021, stating that the potable water source is located within an HUC-14 subwatershed that is in deficit by -0.4015 million gallons per day (MGD), however, the consumptive use of the proposed project is negligible and remains under the constrained water availability for the source HUC-14 subwatershed, and determined the proposed project was not subject to further Highlands Council review.

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);

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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 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.
- 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. Although a 300-foot buffer, associated with an unnamed tributary to Lubbers Run, a Category 1 waterway, is located on the project property, the buffer does not extend into the expanded SSA.
- 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).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project based on the U.S. Environmental Protection Agency 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 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. On December 18, 2018, the Borough Land Use Board memorialized the authorization of the minor site plan to permit the construction of the proposed project.

Sewer service is not guaranteed by the adoption of this amendment 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.

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10/14/2022

Date

SIGNED

Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Division of Watershed Protection and Restoration

NJ Department of Environmental Protection