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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION & RESTORATION

Adopted Amendment to the Upper Raritan Water Quality Management Plan

Public Notice

Take notice that on March 4, 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 Upper Raritan Water Quality Management (WQM) Plan. The amendment, identified as the “Tranquillity Farm Ag Housing” (Program Interest No. 435434, Activity No. AMD200013) establishes a new sewer service area (SSA) of 1.8 acres to serve existing and proposed development for an equestrian farm located on Block 15, Lots 42.01 and 42.02, in Chester Township, Morris County. The existing development on Lot 42.01 includes a 7-bedroom main house, a garage with a 1-bedroom apartment, a cottage with 4 bedrooms, a corn crib and two additional garages. The existing 41,119 square foot structure on Lot 42.02 includes a main barn consisting of 56 horse stalls (20 horses washed per day), a 350 square foot office with 2 indoor and 8 outdoor employees, an indoor riding arena with a viewing area for a maximum of 147 people. The proposed 5,335 square foot development on Lot 42.02 consists of two 2-bedroom apartments, one 1-bedroom apartment, a washer, 3 employees and 12 horse stalls (6

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horses washed per day) with a feed room. The preliminary notice stated that the proposed development would include an office for 3 employees, however there will not be an office for the 3 employees and the projected wastewater flow mentioned below remains unchanged. The proposed and existing development will generate a projected wastewater flow of 5,034 gallons per day (gpd) to be received by the existing as well as a new subsurface sewage disposal system based on flows calculated in accordance with N.J.A.C. 7:9A-7.4. The preliminary notice stated that the new subsurface sewage disposal system would replace the existing septic system, however both the old and new systems will be utilized and regulated under a New Jersey Pollutant Discharge Elimination System (NJPDES) permit.

Preliminary notice was published in the New Jersey Register on December 6, 2021, at 53 N.J.R. 2092(a). No comments were received during the public comment period. This notice represents the Department's determination that the proposed 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 the Morris County Office of Planning and Preservation and Chester Township. In an email dated December 14, 2021, Morris County stated that they take no position on the amendment. Chester Township 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 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 must update the wastewater treatment capacity analysis

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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. The proposed project is located within the Conservation Zone of the Highlands preservation area portion of Chester Township. Chester Township's petition for Plan Conformance was approved by the Highlands Council on October 21, 2010. As a Highlands conforming municipality, as defined at N.J.A.C. 7:15-1.5, the Township is in conformance with the Highlands Regional Master (RMP) in both the planning and preservation areas. Pursuant to the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38-2.2, any activity that is part of an agricultural use is not considered a major Highlands development and is not subject to the Highlands Act. In accordance with Executive Order 114 (2008) the Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the RMP and issued a consistency determination in a letter dated November 24, 2020. 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.

Areas eligible for sewer service in the Highlands Region are defined at N.J.A.C. 7:15-4.4(c). Pursuant to the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38-2.2, any activity that is part of an agricultural use is not considered a major Highlands development and is not subject to the Highlands Act. Proposals exempt from the Highlands Act are eligible for delineation

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as SSA in accordance with N.J.A.C. 7:15-4.4(d). 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 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 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.

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- The Department determined that the 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 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 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 adopted zoning ordinances, future land uses shown in adopted municipal and county master plans, and other local land use objective. The proposed project was originally approved by the Chester Township Planning Board on July 10, 2012, and received an extension of preliminary and final site plan approval on May 9, 2017.

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

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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.

3/4/2022

Signed _____

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