

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Northeast and Upper Raritan Water Quality Management Plans

Public Notice

Take notice that on **October 1, 2020** in accordance with the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-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 and Upper Raritan Water Quality Management (WQM) Plans. The adopted amendment (Program Interest No. 435442, Activity No. AMD180007), prepared by the Morris County Office of Planning and Preservation and submitted on behalf of the Morris County Board of Chosen Freeholders, incorporates a complete municipal chapter of the Morris County-wide Wastewater Management Plan (WMP) for Mine Hill Township (municipal chapter WMP), with the exception of a septic maintenance program, and includes all applicable changes to the Morris County-wide WMP as originally adopted on January 30, 2014, (46 N.J.R. 459(a)). The amendment also updates the County-wide WMP narrative and maps to include all previously adopted site specific amendments not yet reflected in the County-wide WMP. No other changes to the Morris County-wide WMP are affected by the adoption of this amendment.

Pursuant to N.J.A.C. 7:15-4.1(b) and 4.2(e), individual components of a WMP may be adopted independent of other components or chapters provided that the minimum scale of these components is an entire municipality. The rest of the County will be addressed through subsequent amendment(s) for a complete county-wide WMP, municipal chapters and/or WMP components submitted in accordance with N.J.A.C. 7:15-3.5 and 4.

The Mine Hill municipal chapter identifies areas to be served by the Rockaway Valley Regional Sewage Authority (RVRSA) Sewage Treatment Plant (STP) as well as areas to be served by facilities yet to be determined (Unassigned SSA) and areas to be served by septic systems with design flows of equal to or less than 2,000 gallons per day. This notice represents the Department's determination that the adopted amendment is compliant with the regulatory criteria at N.J.A.C. 7:15, as described below.

The municipal chapter includes municipal based mapping identifying the Existing Sewered Areas, Wastewater Service Areas and Municipal Zoning for Mine Hill Township. As part of this amendment, within Mine Hill, 233 acres are removed from the previously adopted sewer service area (SSA) due to environmental constraints as identified at N.J.A.C. 7-15-4.4(e) as areas not eligible for sewer service. Conversely, 299.8 acres are added to the future SSA, for a net addition of 66.8 acres of SSA. In total, there are 633.8 acres in the SSA within Mine Hill Township, 490 of which would be assigned to the RVRSA STP, (NJPDES No. NJ0022349), and 143.8 of which would be designated as Unassigned SSA.

The amendment also updates the following county-wide maps titled: Map 1: Jurisdictional Boundary Map for Morris County, Map 2: Existing Sewered Areas Map for Morris County, Map 3: Wastewater Service Area Map for Morris County, and Map 5: Environmental Features – Natural Resources Map for Morris County. The Jurisdictional Boundary Map is being updated to remove mapping information no longer required. The Environmental Features – Natural Resources map is being updated to reflect the most current version of the Landscape Project, version 3.3. The Wastewater Service Area map reflects changes to the SSA within Mine Hill adopted as part of this amendment and all changes to the SSA county-wide resulting from adoption of site specific amendments and revisions not yet reflected on the paper copy of the map adopted on June 30, 2015.

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 under N.J.A.C. 7:15-4.4(e) as a contiguous area of 25 acres or larger, alone or in combination, consisting

of the following features: 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 under N.J.A.C.7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions under N.J.A.C. 7:15-4.4(g). The Department conducted an evaluation of the SSA using a GIS shapefile provided by the County 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 if the SSA included 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 areas mapped as endangered and threatened wildlife species habitats 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.
- The Department determined that the SSA does contain 300-foot riparian zones along C1 waters based on the "Surface Water Quality Standards" GIS data layer; however, the SSA within the C1 riparian zone is limited to the footprint of existing sewage-generating structures.
- The Department determined that the SSA does not contain any 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).

- 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 Counties with ESA Grant Conditions at: <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2>. The assigned SSA will convey wastewater to the RVRSA facility, which is subject to a Federal ESA grant condition included in the grant agreement executed between the RVRSA and USEPA under Project Number C-34-389-02 and Project Number C-34-389-06. The ESA grant conditions prohibit 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 waiver or grant waiver is obtained from USEPA. The SSA assigned to RVRSA depicted in the Wastewater Service Area Map adopted under this amendment does not contain wetlands or 100-year floodplains based on the Department's review of the "Wetlands 2012" GIS data layer and FEMA Flood Insurance Rate Maps. Therefore, no waiver from USEPA is required for this amendment. Future extensions to the SSA assigned to RVRSA would need to be evaluated for the presence of ESAs under the 201 grant conditions.

Pursuant to N.J.A.C. 7:15-4.5 an analysis was performed to assess the existing and future wastewater treatment needs for Mine Hill Township. In accordance with N.J.A.C. 7:15-4.5(b), a build-out analysis to identify future projected wastewater flow was conducted for each existing and proposed sewer service area in Mine Hill Township. Wastewater flow projections were calculated based upon the current municipal zoning and included potential development of all remaining parcels of vacant land, underdeveloped residential and commercial property and any existing parcels currently served by individual subsurface sewage disposal systems (ISSDs) that are located within the SSA and not currently being served by sanitary sewers. The wastewater flow was projected applying the appropriate criteria listed at N.J.A.C. 7:14A-23.3. The build-out analysis for the RVRSA SSA resulted in a wastewater projection

of 0.322 million gallons per day (MGD) of additional wastewater flow. The build-out analysis for the Unassigned SSA resulted in a wastewater projection of 0.217 MGD of wastewater flow.

The existing wastewater flow and the future wastewater flow, as projected in the build-out analysis, are combined to determine the total projected future wastewater flow for each SSA. The existing wastewater flow for the RVRSA STP was calculated based on the flows from March 2011 to February 2012 to better account for wet weather flow, as reported to the Department in the Discharge Monitoring Reports (DMRs) received from RVRSA. The existing flow for the entire RVRSA SSA was 11.44 MGD. Of the total existing flow, the metered portion from Mine Hill Township was 0.0832 MGD. The build-out analysis for the RVRSA SSA in Mine Hill resulted in a wastewater projection of 0.322 MGD of additional flow. The total projected wastewater flow of the RVRSA SSA in Mine Hill Township is 0.406 MGD.

In accordance with N.J.A.C. 7:15-4.5(b)3 a wastewater treatment capacity analysis was conducted for each SSA. For the Mine Hill portion of the RVRSA SSA, this analysis demonstrated a potential wastewater treatment capacity deficit when compared to the current NJPDES permitted flow for the RVRSA STP. The total projected wastewater flow from the Mine Hill Township SSA to the RVRSA STP is 0.406 MGD. Based on the existing flow for the RVRSA STP of 11.44 MGD, the expected future flows identified in this chapter and the expected use from Picatinny Arsenal, based on their contract with RVRSA as detailed in the RVRSA facility table, the projected flows would exceed RVRSA's permitted capacity of 12 MGD by 0.046 MGD. Additionally, there are ten other municipalities served by RVRSA whose projected future flows are not yet accounted for in the Morris County WMP. Once the flows from those municipalities are accounted for, the potential capacity deficiency is expected to increase. For the Unassigned SSA, the entire wastewater demand of 0.217 MGD constitutes a potential capacity deficiency in accordance with N.J.A.C. 7:15-4.5(b)3ii. The Department has determined that the wastewater treatment capacity analysis complies with N.J.A.C. 7:15-4.5.

The municipal chapter identifies the following strategy for addressing the potential wastewater treatment capacity deficiency for the RVRSA SSA. Expansion of the RVRSA STP's permitted flow from 12.0 MGD to 15.0 MGD would resolve the capacity deficit for the RVRSA SSA within Mine Hill Township. The NJPDES permit for the RVRSA STP has approved an anti-degradation study and effluent limits for up to 15.0 MGD. However, this expansion cannot be activated until a subsequent amendment detailing the full build-out of the treatment facility's SSA is adopted. Additionally, Mine Hill Township will need to pursue an amendment to their service contract with the RVRSA to obtain additional flow allocation.

The municipal chapter identifies two potential strategies for addressing the capacity deficiency in the Unassigned SSA: 1) connecting to a regional wastewater treatment plant that has sufficient capacity or 2) building a new wastewater treatment plant to serve the Unassigned SSA. Should a connection to a regional wastewater treatment plant necessitate an expansion of the permitted flow of that facility, not already identified in the Morris County WMP, a subsequent amendment to the WQM Plan would be required. A new wastewater treatment plant not already identified in the Morris County WMP would also require a subsequent amendment to the WQM Plan.

The municipal chapter includes a nitrate dilution analysis for areas not designated for sewer service, identified as non-SSA. Mine Hill Township includes areas of two HUC11s, identified as Rockaway River (02030103030) and Lamington River (02030105050). The analysis determined that HUC 02030105050 had a potential deficit of seven Equivalent Dwelling Units. The Departments has determined that the nitrate dilution analysis complies with N.J.A.C. 7:15-4.5(c).

The municipal chapter identifies the following two strategies for addressing the potential nitrate dilution capacity deficiencies: 1) expansion of the RVRSA SSA to include the area containing the largest amount of potential development in the deficit HUC11 or 2) require future development in the area containing the largest amount of potential development to obtain a NJPDES permit for an on-site treatment facility as the anticipated flow would be over 2,000 gallons per day. With that development

removed from the non-SSA the nitrate dilution deficit identified in the 02030105050 HUC11 would be eliminated. Either of these two strategies would require a subsequent amendment to expand the RVRSA SSA or to identify a new wastewater treatment facility to serve the SSA.

The Preliminary notice for the proposal of the amendment was published in the New Jersey Register on April 6, 2020, at 52 N.J.R. 809(a). No public comments were received during the public comment period.

N.J.A.C. 7:15-3.5(g) requires the applicant to request a written statement of consent from all identified governmental entities, sewerage agencies, and the Board of Public Utilities-related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, adoption of this amendment. Accordingly, the Department instructed the applicant to request a written statement of consent from Mine Hill Township, the Rockaway Valley Regional Sewerage Authority, the New Jersey Water Supply Authority, and the Morris County Board of Chosen Freeholders. Mine Hill Township passed Resolution #057-20 on March 19, 2020 consenting to amendment. The Rockaway Valley Regional Sewerage Authority passed Resolution 20-056 on June 11, 2020, consenting to the Assigned SSA sections of the WMP but not consenting to the Unassigned SSA sections and with the following conditions: The sewage treatment needs of its member communities are met first, compliance with the Federal 201 Facilities Plan grant conditions mentioned above, which prohibits the connection of structures on parcels which encroach upon ESA as identified above, execution of an amendment to the existing Amended and Restated Customer Service Contract between the Township of Mine Hill and the RVRSA, the sewer mainline, connections and building laterals shall be subject to inspection by the RVRSA, any connection from a non-domestic source is subject to the RVRSA's industrial pretreatment program regulations and all users are subject to the RVRSA's Service Rules and Service Rules Addendum entitled "Regulations Concerning Industrial Users and General Sewerage Use Requirements". The New Jersey Water Supply Authority passed Resolution #2447 on May 4, 2020 consenting to the amendment. The Morris County

Board of Chosen Freeholders adopted Resolution #RES-2020-220 on March 25, 2020 consenting to the amendment.

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 resulting from adoption 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.

10/1/2020

Date

Kimberly Cenno

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Bureau of Environmental Analysis,
Restoration and Standards

Division of Water Monitoring and Standards