

**Resolution 18-061**

**RESOLUTION CONDITIONALLY CONSENTING TO THE PROPOSED  
AMENDMENT OF THE NORTHEAST WATER QUALITY  
MANAGEMENT PLAN AND MORRIS COUNTY WASTEWATER  
MANAGEMENT PLAN RELATIVE TO THE HOWARD AVENUE  
PROJECT, MINE HILL**

**WHEREAS**, the Water Quality Management Planning Rules (N.J.A.C. 7:15) adopted by the New Jersey Department of Environmental Protection (NJDEP) requires that all areas of New Jersey must be addressed by Wastewater Management Plans (WMP); and

**WHEREAS**, the New Jersey Water Quality Planning Act, N.J.S.A. 13:1D-1 et seq. and the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. mandate the completion and submission to the New Jersey Department of Environmental Protection (NJDEP) for review and approval, of a Wastewater Management Plan (County WMP) which defines the existing and future capacity demands of existing and future wastewater related jurisdictions and wastewater service areas, and further requires that all projects and activities affecting water quality must be consistent with these planning documents. Upon adoption, the County WMP becomes a part of the areawide Water Quality Management Plan (WQMP); and

**WHEREAS**, N.J.A.C. 7:15-5.4 establishes that the county board of chosen freeholders shall have wastewater management plan responsibility for a WMP area consisting of all areas within its county. Those areas designated as within the Rockaway Valley Regional Sewerage Authority STP are depicted on the map entitled “Future Wastewater Service Area Map for Morris County amending the Following Areawide Water Quality Management Plans: Northeast, Upper Delaware, Upper Raritan, Sussex, Date of Current Submittal: March 14, 2012” as noticed in the July 2, 2012 New Jersey Register at 44 N.J.R. 1919, See also [http://www.morrisplanning.org/pdfs/FWSA\\_final.pdf](http://www.morrisplanning.org/pdfs/FWSA_final.pdf); and

**WHEREAS**, the Township of Mine Hill is a customer of the RVRSA pursuant to an Amended and Restated Customer Service Contract dated April 19, 2018, between the RVRSA and Mine Hill Township; and

**WHEREAS**, the New Jersey Department of Environmental Protection, at the request of the Township of Mine Hill, caused a notice to be published in the New Jersey Register on April 16, 2018 seeking public comment on a proposed amendment to the Upper Raritan & Northeast Water Quality Management (WQM) Plan. The amendment proposal identified as Howard Avenue Neighborhood Project, would expand the sewer service area of the RVRSA by 7.34 acres and includes the following existing single-family residential properties along Canfield Avenue, Baker Street, Howard Avenue and Gillen Street in Mine Hill: Block 903, Lots 1, 2

(partial); Block 904, Lots 1, 2, 6 (partial), 7, 8, 9, 10, 11, 12, 13, 14, 14.01, 14.02, 14.03; Block 905, Lots 15 (partial), 16, 17, 18, 19, 20, 21, and 22 (hereinafter Howard Avenue Project);

**WHEREAS**, prior to connection of the Howard Avenue Project properties, the adoption of a Site Specific Amendment to the applicable planning documents is needed to establish that connection of this property is consistent with N.J.A.C. 7:15-3.1; and

**WHEREAS**, the RVRSA is desirous of endorsing a Site Specific Amendment to the RVRSA sewer service area, as contained in the Public Notice, attached hereto and made a part hereof, to facilitate the connection of the Howard Avenue Project in the Township of Mine Hill, provided that the gallonage associated with the connection of the Howard Avenue Project will be included in an Amendment to the Amended and Restated Customer Service Contract dated April 19, 2018, between the RVRSA and Mine Hill Township, that shall be executed prior to the endorsement of a TWA-1 for the Howard Avenue Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority, on this 10<sup>th</sup> day of May, 2018, that:

1. The Rockaway Valley Regional Sewerage Authority hereby consents to the revision or amendment of the County WQMP to include the Howard Avenue Project, Township of Mine Hill, as within the sewer service area of the RVRSA, upon application therefor and with the consent of the County of Morris, which authorization shall be subject to the following conditions:

(i) This consent is conditioned upon compliance with Special Grant Condition No. 4, federal project C340389-04-2, effective November 29, 1983, which prohibits the connection of vacant lot(s) which encroach upon any environmentally sensitive areas (ESAs); and

(ii) Any sewer extension or building lateral to be installed shall be subject to inspection(s) by the RVRSA and issuance of a Permit to Connect. In accord with Section 503(D) of the Service Contract, “[n]o connection shall be made, suffered or allowed to be made to the System unless a Permit to Connect shall have first been issued by the Authority and all requirements of the Authority’s Connection Permit System shall have been satisfied, including but not limited to, the inspection by the Authority’s representative, employee or agent of all sewer lines and laterals to be connected to the System. Such inspection shall be required of that portion of a sewer line between the building foundation and the local collection system, as well as of the local collection system itself”; and

(iii) This consent is further conditioned upon execution of an amendment to the existing Amended and Restated Customer Service Contract between the Township of Mine Hill and the RVRSA, dated April 19, 2018, that shall be

executed prior to the endorsement of a TWA-1 for the Howard Avenue Project, providing for the discharge of wastewater for the Howard Avenue Project, which contract amendment shall provide for an additional payment to the Authority for the right to discharge the additional flow, and which payment shall represent that portion of the debt service costs attributable to the additional flow pursuant to N.J.S.A. 40:14A-8, including, but not limited to Facility Improvements.

2. This Resolution shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.1 et seq.
3. Copies of this Resolution shall be provided to the Morris County Planning Board and Township of Mine Hill.
4. This Resolution shall take effect as provided by law.

#### **CERTIFICATION**

I hereby certify that this resolution was adopted at the regularly scheduled meeting of the RVRSA held on May 10, 2018.

Moved by: Glenn Corbett

Second by: Thomas Andes

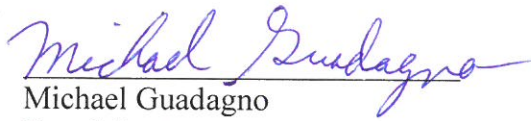
ROLL CALL VOTE:

AYES: (7) Andes, Cegelka, Corbett, Guadagno, Isselin, Rossi, Schorno,

NAYS: (0) None

ABSTAIN: (1) Vincitore

ABSENT: (2) Lowell and Recchia

  
Michael Guadagno  
Board Secretary

7,200 gpd

**PUBLIC NOTICE**

**ENVIRONMENTAL PROTECTION**

**OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION**

**Proposed Amendment to the Upper Raritan & Northeast Water Quality Management Plan**

**Public Notice**

Take notice that the New Jersey Department of Environmental Protection (Department) seeks public comment on a proposed amendment to the Upper Raritan & Northeast Water Quality Management (WQM) Plan. This amendment proposal (Program Interest No. 435434, Activity No. AMD180001 & Program Interest No. 435442, Activity No. AMD180001), identified as Howard Avenue Neighborhood Project, submitted by Maser Consulting, P.A on behalf of the Township of Mine Hill would expand the sewer service area (SSA) of the Rockaway Valley Regional Sewage Authority (RVRSA) by 7.34 acres. The project includes the following existing single-family residential properties along Canfield Avenue, Baker Street, Howard Avenue and Gillen Street in Mine Hill, Morris County: Block 903, Lots 1,2 (partial); Block 904, Lots 1, 2, 6 (partial), 7, 8, 9, 10, 11, 12, 13, 14, 14.01, 14.02, 14.03; Block 905, Lots 15 (partial), 16, 17, 18, 19, 20, 21, 22. These properties are currently served by individual subsurface septic disposal systems that are in failing conditions. Expansion of the wastewater service area will allow the properties to be connected to the existing sanitary sewer main and alleviate the environmental concerns with the failing septic systems. This proposed amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and represents the Department's decision to proceed further with the amendment application as provided in N.J.A.C. 7:15-3.5(g)5.

Pursuant to N.J.A.C. 7:15-4.4(d), sewer service may only be provided to areas that are not identified as environmentally sensitive areas (ESAs), certain coastal planning areas, or areas subject to US Environmental Protection Agency (EPA) 201 Facilities Plan grant conditions, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l).

Pursuant to N.J.A.C. 7:15-4.4(e), ESAs are any contiguous area, based on a composite Geographic Information System (GIS) analysis, of 25 acres or larger consisting of any of the following features alone or in combination: areas mapped as threatened and endangered wildlife species habitat as identified on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife (Landscape Maps) as Rank 3, 4, or 5; Natural Heritage Priority Sites; Category One waters designated in the Department's Surface Water Quality Standard, N.J.A.C. 7:9B, based on the Department's maps of such waters and their corresponding 300 foot riparian zone based upon the Flood Hazard Area Control Act Rules, N.J.A.C 7: 13; and wetlands as mapped pursuant to N.J.S.A. 13:19A-1 and 13:9B-25.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as threatened and endangered wildlife species habitat identified pursuant to N.J.A.C. 7:15-4.4(e)1. Areas identified by the Landscape Maps as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), Rank 4 (State endangered), or Rank 5 (Federal endangered or threatened) are not to be included in proposed SSAs except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as threatened or endangered wildlife habitat pursuant to N.J.A.C. 7:15-4.4(e)1, the Department utilized its Landscape Maps, version 3.3 at <http://www.nj.gov/dep/gis/listall.html>. There is no mapped threatened or endangered species habitat within the proposed SSA.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as Natural Heritage Priority sites identified pursuant to N.J.A.C. 7:15-4.4(e)2. Areas mapped as Natural Heritage Priority Sites are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as Natural Heritage Priority Sites pursuant to N.J.A.C. 7:15-4.4(e)2, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There is no mapped Natural Heritage Priority Sites within the proposed SSA.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3. Areas identified as Category One waters and their corresponding 300-foot riparian zones are not to be included in SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There is no mapped Category One waters within the proposed SSA.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4. Areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There is no mapped Wetlands within the proposed sewer service area.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as coastal planning areas pursuant to N.J.A.C. 7:15-4.4(f). Areas mapped as Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas are not to be included in SSA, except, as provided under N.J.A.C. 7:15-4.4(f)1 and 2, to abate an existing imminent public health and safety issue, to accommodate infill development or as necessary to create a linear boundary that coincides with recognizable geographic, political, or environmental features depicted in the Department's GIS coverage. To evaluate the existence of any coastal planning areas identified in N.J.A.C. 7:15-4.4(f), the Department evaluated the presence of coastal planning areas identified on the CAFRA Planning Map available at <http://www.nj.gov/dep/gis/install.html>. The project is not located in a CAFRA Planning site.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as areas subject to 201 Facilities Plan grant conditions pursuant to N.J.A.C. 7:15-4.4(g). Areas with Federal 201 grant limitations that prohibit the extension of sewers into specified ESAs are excluded from SSA, unless documentation can be provided demonstrating that a mapping revision or waiver has been obtained from EPA, as provided under N.J.A.C. 7:15-4.4(g). To evaluate the existence of 201 Facilities Plan grant conditions that prohibit the expansion of SSA to ESAs, the Department reviewed mapped wetlands utilizing its GIS data at <http://www.nj.gov/dep/gis/install.html>, flood plains using the Federal Emergency Management Agency (FEMA) flood plain mapping at <https://msc.fema.gov/portal>, and the EPA 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>. RVRSA

is subject to a 201 Facilities grant condition. However, because the project does not involve the disturbance of wetlands or ESAs, no waiver is required.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and (h)2, the Department shall consider in the delineation of areas eligible for sewer service, the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans. The parcels proposed for inclusion in the SSA are as-built, long-existing buildings. The Township of Mine Hill is the applicant for this project and, the twenty-four existing homes are zoned correctly as Single Family Residential. In addition, the proposed amendment is in the Highlands Planning Area and, therefore, subject to review and recommendation regarding consistency with the Highlands Regional Master Plan (RMP). On January 18, 2018, the Highlands Council issued a letter to the Department stating that, since the project is in the Existing Community Zone of the Planning Area portion of Mine Hill Township, the project is consistent with the RMP. Based on this approval and the incorporated endorsements, the Department has determined that the proposed project is consistent with local zoning and the county and local master plans.

Pursuant to N.J.A.C. 7:15-3.5(j)2, for projects that propose to add 100 or more acres to the SSA, or where the additional SSA would generate 20,000 gallons per day (gpd) or more of wastewater, the applicant must prepare a modification to the wastewater treatment capacity analysis to include the proposed project or activity, pursuant to N.J.A.C. 7:15-4.5(b). The project plans to add 7.34 acres to the SSA, and the projected wastewater flow for the proposed project to be received by Rockaway Valley Regional Sewage Authority Facility is 7,200 gallons per day (gpd), based on flow calculated pursuant to N.J.A.C. 7:14A-23.3. Therefore, no wastewater treatment capacity analysis is required for this proposed amendment.



This notice is to inform the public that a plan amendment has been proposed for the Upper Raritan Northeast WQM Plan. All information related to the WQM Plan and the proposed amendment is located at:

Morris County Department of Planning & Development

30 Schuyler Pl, 4th Floor

Morristown, NJ 07963

AND

NJ Department of Environmental Protection

Office of Water Resources Management Coordination

P.O. Box 420, Mail Code 401-02A

401 East State Street,

Trenton, New Jersey 08625-0420

The Department's file is available for inspection through the Open Public Records Act. Requests can be made on-line at <http://www.nj.gov/dep/opra/>.

Interested persons may submit written comments on the proposed amendment to the WQM Program Docket, at the Department address cited above. Comments should reference Program Interest No. 435434, Activity No. AMD180001 & Program Interest No. 435442, Activity No. AMD180001 and must be submitted within 30 days of the date of this public notice or within 15 days of the last public hearing, as described below. A copy should be sent to:

Virginia Michelin

Morris County Department of Planning & Development

30 Schuyler Pl, 4th Floor

Morristown, NJ 07963

AND

Paul M. Sterbenz, P.E., P.P.

Maser Consulting, P.A.

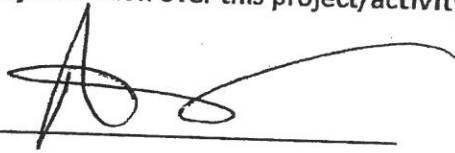
53 Frontage Rd Ste 110

Hampton, NJ, 08827

**Interested persons** may request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period in this notice. Such request should reference Program Interest No. 435434, Activity No. AMD180001 & Program Interest No. 435442, Activity No. AMD180001 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.AC. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the WQM Program Docket at the Department address cited above. Should the Department decide to hold a public hearing, notice of said hearing and the revised comment period's closing date will be published in a future New Jersey Register. If a non-adversarial public hearing for the amendment is held, the public comment period provided by this notice shall close 15 days after the last public hearing. All comments submitted prior to the close of the comment period shall be considered by Morris County and the Department in reviewing the amendment request.

Sewer service is not guaranteed by this amendment. This proposed amendment represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area 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.



Alan Miller, Manager  
Office of WRM Coordination  
Department of Environmental Protection

3/20/18

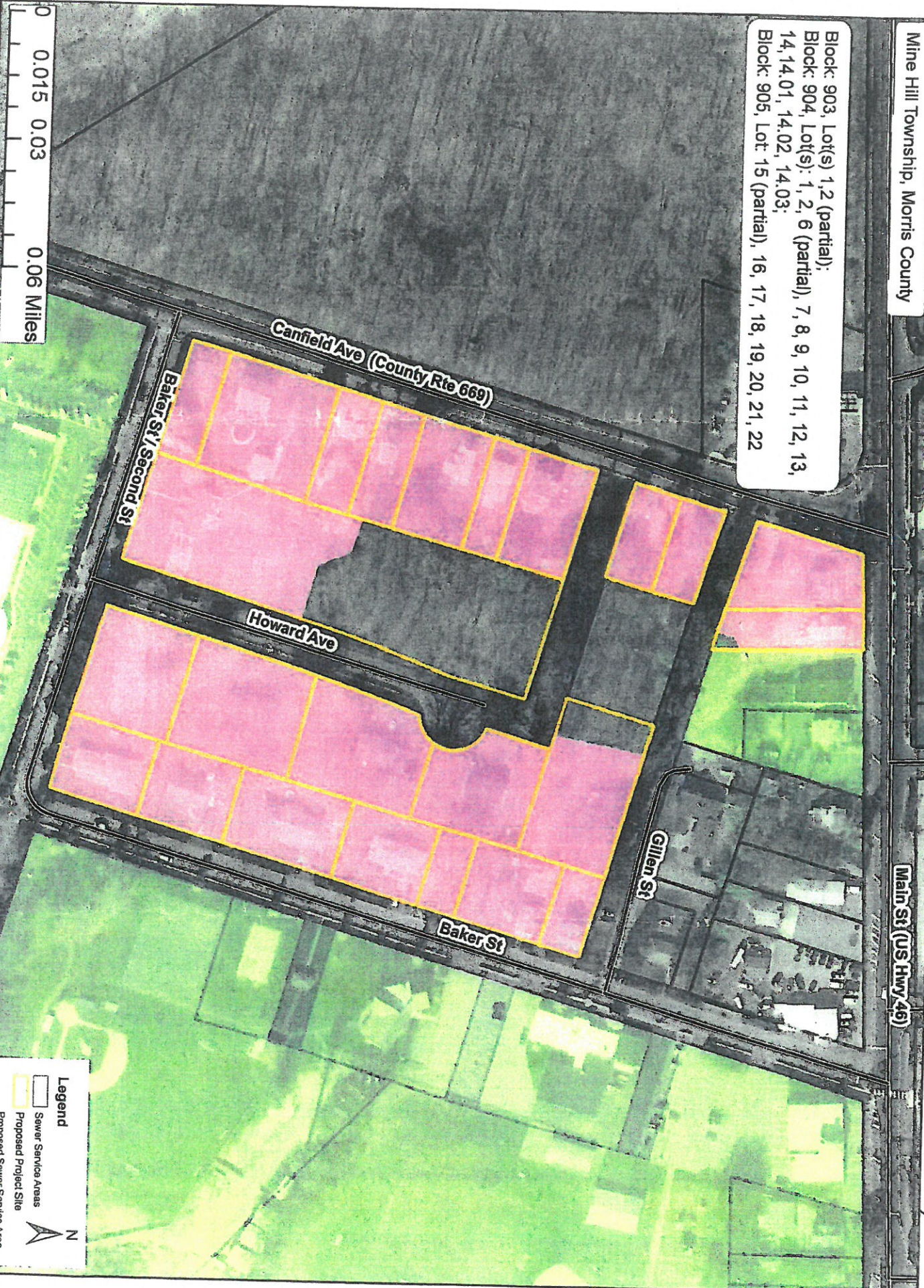
Date

# Howard Avenue Neighborhood Project (PI:435442 AMD180001 & PI:435434 AMD180001)

Mine Hill Township, Morris County

Main St (US Hwy 46)

Block: 903, Lot(s) 1,2 (partial);  
Block: 904, Lot(s): 1, 2, 6 (partial), 7, 8, 9, 10, 11, 12, 13,  
14, 14.01, 14.02, 14.03;  
Block: 905, Lot: 15 (partial), 16, 17, 18, 19, 20, 21, 22



**Legend**

- Sewer Service Areas
- Proposed Project Site
- Proposed Sewer Service Area

N