

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

PROPOSED AMENDMENT TO THE UPPER DELAWARE WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Upper Delaware Water Quality Management (WQM) Plan which has been requested by Mr. Eric Rupnarian, P.E., of Goldenbaum Baill Engineering, Inc., on behalf of Investment Group, Inc. to designate approximately 0.18 acres as new sewer service area (SSA) to accommodate an individual groundwater discharge wastewater treatment system associated with a proposed 16,000 square foot two-story mixed use building having 8,000 square feet of retail/office space and 8 one-bedroom residential units on Block 3, Lot 20.60, a 5.6 acre parcel located in West Amwell Township, Hunterdon County. The project is identified as "Investment Group, LLC", Project Identification No. 435437, Activity No. AMD150003. This amendment proposal would update the West Amwell Wastewater Management Plan (WMP), including the SSA mapping within that plan, as well as, the Department's statewide digital mapping of adopted SSA.

This proposed amendment has been reviewed in accordance with the WQM Planning rules, N.J.A.C. 7:15-1 et seq., and is in compliance with the regulatory criteria established at N.J.A.C. 7:15-5.24 and 5.25.

In accordance with N.J.A.C. 7:15-5.24(a) the area of proposed sewer service was assessed to determine the presence of any environmentally sensitive, coastal planning and special restricted areas as defined at N.J.A.C. 7:15-5.24(b), (c), and (d), respectively. Generally, such areas must be excluded from the proposed SSA, except as provided for under N.J.A.C. 7:15-5.24(e)-(h).

Pursuant to N.J.A.C. 7:15-5.24(b), environmentally sensitive areas (ESA) are defined as any contiguous area of 25 acres or larger consisting of habitat for threatened and

endangered wildlife species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, special water resource protection areas along Category One waters and their tributaries, and wetlands, alone or in combination.

In accordance with N.J.A.C. 7:15-5.24(b)1, the Department evaluated the proposed project site for areas designated as threatened or endangered species habitat using the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened, or Other Priority Species, version 3.1. The site does not contain any areas mapped as habitat for species Ranks 3 (State threatened), 4 (State endangered), or 5 (Federal endangered or threatened), and therefore, no such areas have been proposed for inclusion in the SSA.

In accordance with N.J.A.C. 7:15-5.24(b)2, the Department evaluated the proposed project site for areas designated as non-urban Natural Heritage Priority Sites. The site does not contain any areas mapped as Natural Heritage Priority Sites, and therefore, no such areas have been proposed for inclusion in the SSA.

In accordance with N.J.A.C. 7:15-5.24(b)3, the Department evaluated the proposed project site for areas designated as special water resource protection areas along C1 waters and their tributaries as established under the Stormwater Management rules, N.J.A.C. 7:8. The site does not contain any areas designated as special water resource protection areas, and therefore, no such areas have been proposed for inclusion in the SSA.

In accordance with N.J.A.C. 7:15-5.24(b)4, the Department evaluated the proposed project site for areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25. Wetlands were identified on the site, as verified by the Department's Letter of Interpretation No. 1026-05-0004.1 dated February 1, 2007, however, no such areas have been proposed for inclusion in the SSA.

In accordance with N.J.A.C. 7:15-5.24(c)1-3, the Department evaluated the proposed project site for areas within coastal planning areas (Coastal Fringe, Coastal Rural, and Coastal Environmentally Sensitive Planning Areas). The site does is not within a coastal planning area, and therefore, no such areas have been proposed for inclusion in the SSA.

In accordance with N.J.A.C. 7:15-5.24(d)1-4, the Department evaluated this proposed project site for the presence of special restricted areas with Federal Clean Water Act, Section 201 grant limitations that prohibit the extension of sewers to serve development in specified areas such as wetlands and floodplains, in addition to special restricted areas, specifically designated beaches, coastal high hazard areas, and dunes. The site is not within any special restricted area, and therefore, no such areas have been proposed for inclusion in the SSA.

In accordance with N.J.A.C. 7:15-5.25(a) and (b), the proposed amendment was reviewed for compliance with the requirements for existing and future wastewater treatment needs, water supply demands, and nonpoint sources of pollution, pursuant to N.J.A.C. 7:15-5.25(h)1-6.

In accordance with N.J.A.C. 7:15-5.25(h)1-2, the projected wastewater flow associated with the proposed project has been evaluated for consistency with attaining the nitrate groundwater standard, on a Hydrological Unit Code (HUC) 11 basis, as provided for in the West Amwell WMP. The commercial and residential wastewater flows were projected to be 1,000 and 2,800 gallons per day, respectively, per N.J.A.C. 7:9A-7.4. The wastewater is proposed to be treated and discharged to groundwater onsite, and further, would require a NJPDES permit, as the total wastewater is projected to be greater than 2,000 gallons per day. Treatment would be required before discharge due to an inability to meet the nitrate standard using a conventional individual subsurface sewage disposal system. An analysis was performed using "A Recharge-Based Nitrate Dilution Model for Small Commercial Establishments in New Jersey, v 2.2", which indicated approximately 23 acres of 100-percent pervious land area, would be the minimum required recharge area

necessary to achieve the 2 mg/l nitrate groundwater standard. A similar analysis was performed for the residential component using “A Recharge-Based Nitrate-Dilution Model for New Jersey V7.0 for Excel 2010”, which indicated approximately 16 acres of 100-percent pervious land would be the minimum required area to meet the 2 mg/l nitrate groundwater standard. In all, the required area for recharge totals approximately 39 acres; however, the subject parcel is just 5.6 acres, of which approximately one-third is wetlands. Therefore, a sequencing batch reactor system has been proposed to treat the anticipated volume of wastewater with a final discharge nitrate concentration of 2 mg/l.

Pursuant to N.J.A.C. 7:15-5.25(h)3, the water supply needs for the proposed project have been compared to the water availability as established in the most recent New Jersey State Water Supply Plan, any regional water supply plans or adopted TMDLs, and in consideration of other needs as may be identified in the West Amwell WMP. The associated water demand would be provided for by a private, onsite well. Based on the 1996 New Jersey Statewide Water Supply Plan, Planning Area 9 was not anticipated to be in deficit during the planning period of 1990 to 2040. Any applicable TMDLs or regional water supply plans have not been identified

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity’s stormwater runoff quantity and quality shall be controlled in accordance with the Stormwater Management rules, N.J.A.C. 7:8. Compliance with this standard can be demonstrated by submission of an adopted municipal stormwater management plan and ordinance that conform with the requirements of N.J.A.C. 7:8. The proposed project is in compliance with this standard, as West Amwell Township, in April of 2005, has adopted a stormwater management plan and associated stormwater control ordinance, in compliance with the performance standard of the Stormwater Management rules at N.J.A.C. 7:8.

In accordance with N.J.A.C. 7:15-5.25(h)5, riparian zones shall be protected from avoidable disturbance. Riparian zones or buffers are established along all surface waters, based on the surface water body’s classification designated at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act rules, the Stormwater

Management rules, and the Water Quality Management Planning rules. The proposed project is in compliance with this standard, as there are no riparian zones within the project site.

In accordance with N.J.A.C. 7:15-5.25(h)6, the proposed development footprint of disturbance is not to be located in areas with steep slopes, defined as any slope greater than 20 percent. The proposed project is in compliance with this standard, as there are no steep slopes within the project site.

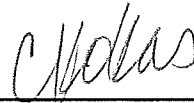
This proposed amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. Additional issues which may need to be addressed may include, but are not limited to, the following: compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

This notice is being given to inform the public that a plan amendment has been proposed for the Upper Delaware WQM Plan. All information relating to the WQM Plan and the proposed amendment is located at the Department, 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 between 9:00 a.m. and 4:00 p.m., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Office of Water Resources Management Coordination at (609) 777-4349.

Interested persons may submit written comments on the amendment to WQM Program Docket, Office of Water Resources Management Coordination, at the Department address cited above with a copy sent to Mr. Eric Rupnarian, P.E., c/o Goldenbaum Baill Engineering, Inc., 1509 Route 179, Lambertville, NJ 08530. All comments must be

submitted within 30 days of the date of this public notice. All comments submitted prior to the close of the comment period shall be considered by the Department in reviewing the amendment request.

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 up to 30 additional days. These requests must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of the date of this public notice to WQM Program Docket at the Department address cited above. If a public hearing is held, the public comment period in this notice shall be extended to close 15 days after the public hearing.



Colleen Kokas, Director
Office of WRM Coordination
Department of Environmental Protection

4-6-16

Date