

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Proposed Amendment to the Mercer County Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed site specific amendment to the Mercer County Water Quality Management (WQM) Plan in accordance with 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 proposed amendment (Program Interest No. 435452, Activity No. AMD180003) would expand the sewer service area (SSA) of the Stony Brook Regional Sewerage Authority (SBRSA) by 1.66 acres to serve an existing residence and two smaller, existing outbuildings on Block 46, Lot 15.02 (portion), Hopewell Township, Mercer County. The proposed project, identified as **"Daniel Popkin residence,"** consists of an existing five-bedroom single family home and two smaller existing structures on the property – a 1,371 square foot exercise room/spa and a 779 square foot artist studio/toolshed, that would generate a projected wastewater flow of 300 gallons per day (gpd), based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, to be received by the SBRSA Pennington sewage treatment plant (NJPDES Permit # NJ0035319). The proposed amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department's determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.3, 3.5, 4.4 and 4.5, as described below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of 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

must update 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 plant capacity analysis is not required.

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) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitat, Natural Heritage Priority (NHP) Sites, riparian zones of Category One 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 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) through (g) and made the following findings:

- The Department determined that the expanded SSA does not contain any areas mapped as threatened and endangered 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 Category One (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 and N.J.A.C. 7:13-4.1(c)1 and N.J.A.C. 7:15-4.4(e)3.

- The Department determined that the expanded SSA does not contain any wetlands based on the "Wetlands 2012" GIS data layer.
- The Department determined that the expanded SSA does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the "CAFRA Layers" GIS layer in accordance with 7:15-4.4(f).
- The Department determined that there are 201 Facilities Plan grant conditions applicable to the project site 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> in accordance with N.J.A.C. 7:15-4.4(g). The proposed project will convey wastewater to the SBRSA Pennington Sewage Treatment Plant which is subject to a Federal ESA grant condition included in the grant agreement executed between the SBRSA and USEPA under project Number C-34-704-01. The ESA grant condition prohibits any sewer connection to Federally funded facilities from any sewage generating structure located on a parcel of property containing wetlands and/or floodplains unless a mapping waiver or grant waiver is obtained from USEPA. A conditional grant waiver was issued by the USEPA to the SBRSA on May 14, 2019.

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. On December 21, 2018, the Hopewell Township Department of Community Development issued a memorandum stating that the proposed sewer connection would be consistent with the Township's zoning and master plan. On December 11, 2018, the Mercer County Department of Planning issued a letter stating that the proposed sewer connection was not inconsistent with the Mercer County Master Plan.

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

Mercer County Department of Planning

McDade Administration Building

640 South Broad Street

P O Box 8068

Trenton, NJ 08650-0068

AND

New Jersey Department of Environmental Protection

Division of Water Monitoring and Standards

Bureau of Environmental Analysis, Restoration and Standards

Water Quality Management Planning Program

P.O. Box 420, Mail Code 401-041

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 file may be arranged by calling the Bureau of Environmental Analysis, Restoration and Standards at (609) 633-1441.

A **public hearing**, as required by Mercer County's adopted amendment procedures will be held by the Mercer County Department of Planning for the proposed amendment on March 11, 2020 at 9:00 A.M. in the McDade Administration Building, Freeholder Meeting Room 211, 640 South Broad Street, Trenton, NJ.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above. Comments should reference Program Interest No. 435452, Activity No. AMD180003 and must be submitted within 30 days of the date of this public notice or within 15 days of the last public hearing. A copy of the written comments should be sent to:

Secretary, Mercer County Planning Board

P O Box 8068

Trenton, NJ 08650-0068

AND

Mr. Daniel Popkin

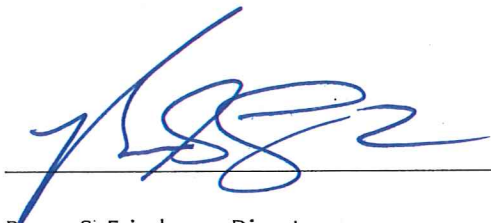
1800 East State Street, Suite 220

Hamilton, New Jersey 08609

Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment, in addition to the County hearing, or extend the public comment period in this notice. Such request should reference Program Interest No. 435452 Activity No. AMD180003 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 the Department before making a final decision on the proposed 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.

Date 12/16/19



A handwritten signature in blue ink, appearing to read 'B. Friedman', is written over a horizontal line.

Bruce S. Friedman, Director

Division of Water Monitoring and Standards