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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Upper Raritan Water Quality Management Plan

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Upper Raritan 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, identified as “Hillsborough Glen Gery Subdivision”, also known as “M&M Realty”, (Program Interest No. 435434, Activity No. AMD190005) would expand the sewer service area (SSA) of the Somerset Raritan Valley Sewage Authority (SRVSA) (NJPDES No. NJ0024864) by an additional 58 acres to accommodate 198 single family home (SFH) lots of the proposed 380 SFH development located on portions of Block 182, Lot 9, 11.01, and Block 183, Lot 38.02, in Hillsborough Township, Somerset County. Portions of the project site are already in the SRVSA SSA and are not the subject of this amendment. The portion of the proposed project that is the subject of this amendment will generate a projected 59,400 gallons per day (gpd); the total project will generate a projected wastewater flow of 114,000 gpd based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. Additionally, 4 acres of the project site that are currently in

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the adopted SSA will be removed from the SSA with this amendment due to the presence of Environmentally Sensitive Areas (ESAs) as discussed below.

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. 7:15-3.3(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 shall include a proposed modification to 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 purpose of the modification is to demonstrate whether SRVSA has the available capacity to serve the project. The SRVSA STP is currently permitted to discharge up to 23 million gallons per day (mgd) under NJPDES Permit No. NJ0024864. The WQM Plan currently identifies the expansion of the STP to 24.31 mgd. The anti-degradation studies have been completed and approved for the expansion. In accordance with N.J.A.C. 7:15- 4.5(b)1, the existing wastewater flow at the SRVSA STP is the highest consecutive 12-month rolling average during the preceding five-year period , which was calculated to be 23.369 mgd (February 2023 thru January 2024) based on NJPDES Discharge Monitoring Reports in DEP Data Miner (<https://njems.nj.gov/DataMiner>). The SRVSA STP flow is significantly impacted by wet weather flows conveyed to it from its participant municipal collection systems, thus during periods of excessive wet weather flows, sanitary sewer overflows may occur. The SRVSA has executed an Administrative Consent Order with the Department to construct facilities to permanently eliminate these occurrences. In addition, as an interim solution, the construction of a Storm

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Control Treatment Facility (SCTF) (NJPDES No. NJ0247561) has been completed. While expanding the STP facility, SRVSA is offsetting the effluent by diverting flow to the SRVSA SCTF (NJPDES No. NJ0247561). Flows conveyed to this facility are all accounted for as part of the SRVSA permitted flow. The SCTF is intended for intermittent use during peak flow periods and operates in tandem with SRVSA's primary STP (NJPDES No. NJ0024864). As such, the SRVSA STP has capacity to accommodate the additional flow from the proposed project.

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 <https://gisdatanjdep.opendata.arcgis.com> 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 expanded SSA contains areas mapped as endangered or threatened wildlife species habitat for Northern Myotis and Indiana Bat (Rank 5) and Bald Eagle (Rank 4) 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,

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in accordance with N.J.A.C. 7:15-4.4(e)1. Pursuant to N.J.A.C. 7:15-4.4(j)2, the applicant submitted a Habitat Suitability Determination (HSD) prepared by E2 Project Management LLC, in accordance with N.J.A.C. 7:15-4.6. The Department reviewed the HSD and concluded that no areas of suitable Bald Eagles habitat are located within the proposed SSA. The Department determined that roughly 42 acres of forested wetland area of suitable bat habitat would be impacted by the project and that, in accordance with N.J.A.C. 7:15-4.4(k)3 and 4.7(e)1iii, implementation of conservation measures to minimize to the maximum extent practicable all adverse modification of suitable habitat and mitigation for any such adverse modifications, was necessary. Pursuant to N.J.A.C. 7:15-4.4(k), the applicant submitted a Habitat Impact Assessment (HIA) prepared by E2 Project Management LLC, in accordance with N.J.A.C. 7:15-4.7, proposing several conservation and mitigation measures, including reforestation with native tree species and the placement of a conservation restriction easement on the undeveloped portions of the project property. The Department determined that the habitat being impacted is not of high quality and the amount of acreage to be reforested will increase the available habitat for the bat species over a relatively short time period. Additionally, a tree clearing timing restriction of April 1st to September 30th is to be adhered to throughout the entire site to minimize the potential take of the federally endangered species. The Department concluded that the placement of the Conservation Easement Deed Restriction on 67.57 acres of the project site, along with the reforestation and tree clearing restriction will minimize to the maximum extent practicable all adverse modification of suitable habitat and will mitigate for any such adverse modification in a manner that provides for no net loss of habitat value to endangered or threatened species including the local potential population

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of the species. Pursuant to N.J.A.C. 7:15-4.4(k)3, the conservation easement must be executed, filed and recorded with the Somerset County Clerk and proof of recordation of the deed restriction must be provided to the Department prior to adoption of the proposed amendment.

- The Department determined that the proposed 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 proposed 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 there are wetlands located on the project site based on the “Wetlands 2012” GIS data layer, in accordance with N.J.A.C. 7:15-4.4(e)4; however, pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File # 1810-07-0002.2 FWW 140001 and file #1810-07-0002.3 FWW 200001 confirming that there are no wetlands within the proposed sewer service area.
- The Department determined that the proposed 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 (USEPA) list of New Jersey

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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 objectives. On April 28, 2020, Hillsborough Township adopted Ordinance 2020-08 to rezone the properties as Residential R8A. In a February 23, 2024 letter, the Somerset County Planning Board stated its support for the proposed amendment and intention to include it in a growth area designation on the Somerset County Master Plan County Investment Framework Map.

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

New Jersey Department of Environmental Protection

Division of Watershed Protection & Restoration

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Water Quality Management Planning Program

PO Box 420, Mail Code 501-02A

501 East State Street

Trenton, New Jersey 08625-0420

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The Department's file is available for inspection between 9:00 A.M. and 4:00 P.M., Monday through Friday, upon request. An appointment to inspect the file must be arranged by calling the Bureau of NJPDES Stormwater Permitting & Water Quality Management at (609) 633-7021.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above or at the email: wqmp.publiccomments@dep.nj.gov. Comments should reference Program Interest No. 435434, Activity No. AMD190005 and must be submitted within 30 days of the date of this public notice.

Interested persons may request in writing that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435434, Activity No. AMD190005 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined at N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future issue of the New Jersey Register and the comment period will be extended to 15 days after the 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 should this amendment be adopted as it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA as a result of the approval of this amendment does not eliminate the need to obtain all necessary

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permits, approvals or certifications required by any Federal, State, county or municipal review agency with jurisdiction over this project/activity.

3/15/2024

Date

SIGNED

Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Division of Watershed Protection and Restoration

NJ Department of Environmental Protection