

**ENVIRONMENTAL PROTECTION
DIVISION OF COASTAL AND LAND USE PLANNING**

Adopted Amendment to the Mercer County Water Quality Management Plan

Public Notice

Take notice that on **JULY 17, 2014**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning (WQMP) rules (N.J.A.C. 7:15-3.4), an amendment to the Mercer County WQMP was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of Mr. Timothy McGough, Professional Engineer, Township of Robbinsville, expands the sewer service area (SSA) of the Hamilton Township Water Pollution Control Facility (WPCF) to include portions of Block 9, Lots: 1, 25.01, and 55 in Robbinsville Township, Mercer County. The SSA expansion includes the proposed development of 50 single family homes named Edinburg Village, formerly known as Washington Woods. This amendment updates the Mercer County Wastewater Management Plan (WMP) adopted October 9, 2013, as well as the Robbinsville Township WMP chapter, to include the Edinburg Village Development in the Hamilton Township WPCF SSA.

This amendment has been reviewed in accordance with the Water Quality Management Planning rules that set the environmental standards to be applied to an amendment at N.J.A.C. 7:15-5.18, N.J.A.C. 7:15-5.24 and N.J.A.C. 7:15-5.25, as modified by P.L. 2011, c. 203 (amended by P.L. 2013, c. 188).

Pursuant to P.L. 2011, c. 203, as amended by P.L. 2013, c. 188, the Department, in consultation with the applicable wastewater management planning agency, may approve the inclusion of land within a SSA notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modification. Therefore, amendments to modify a SSA may be approved if such actions are compliant with the applicable sections of the Water Quality Management Planning rule (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed, however, in accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of the project has been evaluated. The proposed wastewater flow, as calculated in accordance with N.J.A.C. 7:14A-23.3 is 15,000 gallons per day. Currently, Hamilton Township WPCF is permitted to discharge 16 million gallons per day (MGD) of treated wastewater to Crosswicks Creek under NJDPES permit number NJ0026301. The average of the last twelve months of discharge monitoring data show that Hamilton Township WPCF has discharged an average daily flow of 8.09 MGD. The additional 0.015 MGD of wastewater will not cause the wastewater generation potential of the expanded SSA to exceed the permitted capacity of the Hamilton Township WPCF.

The Hamilton Township WPCF provides treatment for Robbinsville, Hamilton, and West Windsor Townships. As part of the Mercer County WMP, an environmental constraints/build out analysis was performed for these Townships in order to identify future wastewater needs. Based on the analysis, Robbinsville Township has a projected need to treat a total wastewater flow of 2.5 MGD and the total build out for Hamilton Township WPCF SSA is 12.735 MGD, including 0.156 MGD from West Windsor and 10.079 from Hamilton Township. The additional 0.015 MGD of planned wastewater flow will not cause the future wastewater generation potential of the expanded SSA to exceed the 16 MGD permitted capacity of the Hamilton Township WPCF.

In accordance with N.J.A.C. 7:15-5.24 and 5.25, environmentally sensitive areas (ESAs) have been assessed to determine what areas of the project are appropriate for inclusion in the proposed SSA. ESAs evaluated include, but are not limited to: habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, riparian zones, wetlands, steep slopes, Coastal Fringe, Coastal Rural and Coastal Environmentally Sensitive Planning Areas, beaches, coastal high hazard areas, and dunes.

Pursuant to N.J.A.C. 7:15-5.24, ESAs are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One (C1) special water resource protection areas, and wetlands, alone or in combination. These ESAs are not included in the adopted SSA.

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine areas designated as threatened or endangered species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, version 3.1. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), 4 (State endangered), and 5 (Federal endangered or threatened) are not to be included in proposed SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (h), or unless a site has undergone a site specific Habitat Suitability Determination prepared in accordance with N.J.A.C. 7:15-5.26 that found the site to be not suitable habitat, or pursuant with N.J.A.C. 7:15-5.24(g)2, the Department determined the ESA is not critical to a population of endangered or threatened species the loss of which would decrease the likelihood of the survival or recovery of the identified species. Review of the project site has determined that no threatened or endangered species habitat exists on site.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the project site has determined that no Natural Heritage Priority Sites exist on site.

A Riparian zone has been identified on the project site. In accordance with N.J.A.C. 7:15-5.25(h)5i, riparian zones shall be protected. 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 soils onsite are identified as acidic soils (Magothy and Merchantville formations), therefore the required riparian buffer width for the unnamed tributary to the Assunpink Creek identified onsite is 150 feet from top of bank. The proposed development has obtained Department-issued Flood Hazard Area Permits under file number 1112-07-0012.1, which allow disturbance in the Riparian Zone. Specifically, most of the disturbance is proposed within the riparian zone and stream corridor enhancement area where the perpendicular farm ditch (the unnamed tributary) will be realigned into a meandering stream through the clustered development. Robbinsville Township has adopted Riparian Corridor protections in Ordinance 2004-30; however, the ordinance is not in full compliance with the aforementioned regulations. To become compliant, and in accordance with N.J.A.C. 7:15-5.25(h)5iii, the Riparian Corridor Analysis has been satisfied by applying the 150 foot buffer to the new stream as approved by Department permits and removing the riparian zone from the adopted SSA.

In accordance with N.J.A.C. 7:15-5.24(b)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. 7:15-5.24(e) – (h). In accordance with N.J.A.C. 7:15-5.24(e)2, Letter of Interpretation, L.O.I. # 1112-07-0012 was submitted, which re-delineates the wetlands and their associated buffers, and these areas are not included in the adopted SSA.

In accordance with N.J.A.C. 7:15-5.25(h)6, proposed development disturbance is not to be located in areas with steep slopes, defined as any slope greater than 20 percent. There are no steep slopes on the subject site.

In accordance with N.J.A.C. 7:15-5.24(c), lands within certain coastal planning areas (Coastal Fringe, Coastal Rural, and Coastal Environmentally Sensitive Planning Areas) are not included in the SSA. The project site is not in a coastal planning area.

Pursuant to N.J.A.C. 7:15-5.24(d), areas with Federal 201 grant limitations that prohibit the extension of sewers to serve development in specified areas such as wetlands and floodplains are excluded from proposed SSAs. There are no grant conditions for this site.

In accordance with N.J.A.C. 7:15-5.25(h)3 the water supply need for the proposed project has been evaluated. The proposed project would be served by the public water supply provided by Aqua New Jersey, Inc., which is currently permitted under water allocation permit number WAP1000001 and PWSID1103001 to allocate 283 million gallons per month (MGM) and has a water supply surplus of 45.801 MGM. The proposed water

demand of the project is 0.016 MGD or 0.480 MGM; therefore sufficient water supply is available to serve the proposed development within the existing water allocation permit.

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater management is to be evaluated. However, P.L. 2011, c. 203 as amended by P.L. 2013, C. 188, directs there be a presumption that an engineered subdivision or site plan is not required. Compliance with this standard shall be demonstrated by submission of an adopted stormwater management plan and ordinance that conform with the requirements of N.J.A.C. 7:8. The project is in compliance with this standard, as Robbinsville Township has adopted stormwater control ordinance #2006-16 (refer to Chapter 142, Section 35 of their Land Use Code), which comply with the performance standards of the Stormwater Management Rules at N.J.A.C. 7:8. The county and local governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development.

This amendment proposal was noticed in Volume 38, Issue 9 of the New Jersey Bulletin on May 7, 2014, and the public hearing on the proposed WQMP amendment, conducted by the Mercer County Planning Board, was held on Wednesday, June 11, 2014. No public comments were made at the public hearing and no comments were received during the public comment period. In accordance with the Mercer County WQMP Amendment Procedures, the Mercer County Planning Board formally endorsed the amendment in the form of Resolution No. 2014-02.

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.

SIGNED

Elizabeth Semple, Manager
Division of Coastal and Land Use Planning
Department of Environmental Protection

JULY 17, 2014

Date