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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Upper Delaware Water Quality Management Plan

Take notice that on January 4, 2024, pursuant to the provisions of 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 New Jersey Department of Environmental Protection (Department) adopted an amendment to the Upper Delaware Water Quality Management (WQM) Plan. The amendment, identified as “South Hunterdon Middle School” (Program Interest No. 435437, Activity No. AMD230001) provides for a new onsite discharge to groundwater wastewater treatment facility and corresponding 7.72 acre sewer service area (SSA) to serve the proposed middle school having a maximum of 250 students plus staff. The proposed school will be located on a portion of Block 11, Lot 16, West Amwell Township, Hunterdon County, the site of the existing South Hunterdon High School. The project will generate 5,000 gallons per day calculated in accordance with N.J.A.C. 7:9A. The existing high school Individual Subsurface Sewage Disposal System (ISSDS) (i.e., septic system) is regulated under a T1 General Permit (NJG0131261). The existing T1 permit will be revoked and the discharge regulated pursuant to the new individual permit to be issued for the middle school. The total combined flow for the site will be 13,880 gallons per day (gpd) calculated in accordance with N.J.A.C. 7:9A.

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Preliminary notice was published in the New Jersey Register on November 6th, 2023, at 55 N.J.R. 2280(a). This notice represents the Department's determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15 as described below. Comments were received from one entity during the public comment period. The comments and Department responses are provided at the end of this notice.

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from West Amwell Township and Hunterdon County Board of County Commissioners. West Amwell Township adopted Resolution #97-2023 on November 15, 2023, opposing the amendment. Hunterdon County adopted Resolution 2023-1043 on December 5, 2023, consenting to the amendment.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations to the eligible SSAs 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 proposed project involves less than 100 acres of proposed SSA and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment capacity analysis is not required.

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

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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://gisdata-njdep.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 new SSA does not contain any areas mapped as endangered or threatened 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 new 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 new 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.

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- The Department determined that the new SSA does not contain wetlands based on the “Wetlands 2012” GIS data layer, in accordance with N.J.A.C. 7:15-4.4(e)4. Additionally, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #1026-06-0007.1 FWW180001 confirming that there are no wetlands within the proposed SSA.
- The Department determined that the new 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 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. The Hunterdon County Planning Department issued an email dated July 24, 2023, stating that the proposed project is consistent with the Hunterdon County Growth Management Plan. West Amwell Township confirmed consistency with its masterplan and zoning ordinances via an August 24th, 2023, email.

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The following entity provided comments on this amendment during the comment period.

1. West Amwell Township Committee via Resolution #97-2023

A summary of the comments and the Department responses follow.

1. COMMENT:

Groundwater contamination is confirmed to exist at the South Hunterdon Regional High School (SHRHS) property, specifically the groundwater has recently tested in excess of maximum contaminant levels for total trihalomethanes (“TTHM”) and per and Polyfluoroalkyl Substances (“PFAS”). Several other wells in the vicinity of SHRHS have also tested in excess of maximum contaminant levels for similar pollutants. PFAS is known as a ‘forever chemical’ because it is very slow to break down, and it may even bioaccumulate over time. Current peer-reviewed scientific studies have shown that exposure to certain levels of PFAS may lead to reproductive effects, developmental delays in children, increased risk of some cancers (including prostate, kidney, and testicular cancers), suppressed immune response, interference with hormone levels, and increased cholesterol levels. The SHRSD has not submitted any plans to the township concerning groundwater testing, sourcing, or purification in support of the new middle school.

RESPONSE: The commenters concerns are noted; however, the concerns are referencing the water quality serving the high school and are outside the scope of the WQM Plan amendment approval. The new water well proposed to serve the middle school will require testing for all regulated contaminants and any necessary remedial measures (e.g., treatment installation) will be required prior to approval for drinking water

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2. COMMENT: The SHRSD has not submitted any reports to the township concerning the potential effects to surrounding residents of an additional 5,000 gallons of wastewater flow per day at the SHRHS property.

RESPONSE: The NJPDES regulations, N.J.A.C. 7:14A, establish the regulatory framework upon which the Department regulates the discharge of pollutants to the surface and ground waters of the State. In accordance with these regulations, sanitary wastewater discharges to ground water greater than 2,000 gallons per day require authorization under a NJPDES discharge to ground water permit. The purpose of the NJPDES discharge to ground water permit is to restore, enhance, and maintain the ground water quality of the State. All sanitary wastewater from the middle school will be conveyed to the new onsite wastewater treatment plant, not putting any added flow into the system currently servicing the high school. The discharge from the new treatment plant will be regulated pursuant to an individual NJPDES permit. The existing high school NJPDES T1 permit will be revoked and the discharge regulated pursuant to the new individual permit to be issued for the middle school. The NJPDES permit will establish a system of controls designed to protect underground sources. The goal of the permit is preventative and includes requirements to ensure compliance with the Ground Water Quality Standards (GWQS) at N.J.A.C. 7:9C. The applicant proposes to meet the GWQS prior to discharge with the Amphidrome Reactor and UV disinfection. The NJPDES permit will contain pollutant discharge limits that must be met prior to discharge of the sanitary wastewater to the ground via subsurface sewage disposal systems. The Department's standard NJPDES permit sanitary wastewater parameter include monitoring requirements and limits in Part III of the NJPDES

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DGW permit. The permittee is required to monitor for flow rate, total nitrogen (as NO₃ + NH₃), pH, Fecal Coliform, and twenty-four (24) individual volatile organic compounds. Additionally, the permit will contain discharge limits for maximum discharge flow and total nitrogen.

Sewer service is not guaranteed by the 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 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.

1/4/2024

Date



Gabriel Mahon, Bureau Chief
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Division of Watershed Protection and Restoration
NJ Department of Environmental Protection