

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

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 amendment to the Mercer County Water Quality Management (WQM) Plan. This amendment would also modify the Robbinsville Township Wastewater Management Plan (WMP). This amendment proposal, submitted on behalf of Raajpo LLC would allow for the construction of 115 age restricted three-bedroom single family homes and an on-site swimming pool with a clubhouse on an approximately 83 acre portion of Block 14, Lot 25 in Robbinsville Township. The proposed project site is located south of the intersection of Hankins Road and South Lane. It is currently designated as an Individual Subsurface Sewage Disposal System Area (Septic area) of 2,000 Gallons per Day (gpd) or Less in the WMP. The homes and the swimming pool/clubhouse are proposed to be served by a new on-site discharge to groundwater treatment plant.

This proposed amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department's determination that the amendment is in compliance with the regulatory criteria pursuant to N.J.A.C. 7:15-5.24 and 5.25.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas (ESAs) have been assessed to determine what areas of the proposed project site are appropriate for inclusion in the SSA. Pursuant to N.J.A.C. 7:15-5.24(b), 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. No such ESAs are included in the proposed SSA.

In accordance with N.J.A.C. 7:15-5.24(b)1, to identify 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 SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the proposed project site has determined that portions of it are threatened or endangered species habitat for Bobcat.

In June, 2015, the Department received a Habitat Suitability Determination application (HSD), prepared by Dubois Environmental Consulting (DEC). The HSD application was submitted in accordance with the provisions at N.J.A.C. 7:15-5.26. This section of the Water Quality Management Planning Rules describes the information that must be submitted by an applicant in order for the Department to re-evaluate the finding that a site is constrained for threatened and endangered species habitat. DEC concluded in the HSD that the subject site was at best a marginal habitat for the Bobcat due to the minimal amount of forested habitat onsite, the isolation of the site from suitable travel corridors, the overall landscape position of the site within a mosaic of fields, roads, residential and commercial development and the lack of any critical (e.g. denning habitat) features. The Department concurred with DEC's assessment that the site features little value to regional Bobcat habitat and agreed that the conclusions reached by DEC are applicable to this site. Therefore, the conditions of N.J.A.C. 7:15-5.24(b)1 have been satisfied.

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 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.

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along Category One waters and their tributaries are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). The Department has determined that no special water resource protection areas along Category One waters or their tributaries exist on the site.

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 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, Freshwater Wetlands Letter of Interpretation/Line Verification File No.1100-02-0001.2 FWW-FWLI4-040001 (LOI) was provided, confirming the extent of wetlands and transition areas on the site. The provisions of N.J.A.C. 7:15-5.24(b)4, have been satisfied as there are no wetlands or transition areas within the proposed SSA. The wetlands on the project site will be subject to a conservation easement. The above mentioned LOI remains valid under the Permit Extension Act at N.J.A.C. 7:1B until June 30, 2016. Therefore, the criteria at N.J.A.C 7:15-5.24(b)4 has been met.

Pursuant to N.J.A.C. 7:15-5.24(c), Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Areas shall be excluded from SSA. There are no such areas on the proposed site.

Pursuant to N.J.A.C. 7:15-5.24(d)1, areas with Federal 201 grant limitations that prohibit the extension of sewers into specified environmentally sensitive areas are excluded from the SSA. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities), which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this amendment and compliance is required.

Pursuant to N.J.A.C. 7:15-5.24(d)2-4, the Department evaluated the presence of other special restricted areas, specifically, beaches as defined at N.J.A.C.7:7e-3.22; coastal high hazard areas as defined at N.J.A.C.7:7E-3.18; and dunes as defined at

N.J.A.C.7:7E-3.16. Areas identified as beaches, coastal high hazard areas and dunes are not to be included in SSA, except as provided under N.J.A.C. 7:15-5.24(e) – (h). There are no beaches, coastal high hazard areas, or dunes on the project site.

In accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of the project has been evaluated. The projected wastewater flow of the project, calculated in accordance with N.J.A.C. 7:14A-23.3, is 27,600 gpd. The proposed project will be required to meet the 10 parts per million (ppm) nitrate dilution requirement for the New Jersey Pollutant Discharge Elimination System (NJPDES) permit that will allow for wastewater disposal via a new discharge to groundwater. Prior to the Robbinsville Township zoning board approval of the proposed project, a valid subdivision approval existed for a 26 unit four-bedroom single family home development utilizing individual subsurface sewage disposal systems (septic systems). The 26 septic systems would discharge over 5.5 lbs/day of nitrates while the proposed groundwater treatment plant would discharge less than 2.3 lbs/day of nitrates. As per the antidegradation requirements of the Groundwater Quality Standards at N.J.A.C. 7:9C-1.8(b)4, the nitrate concentration for the property served by the treatment plant is to be no greater than 6mg/l. A nitrate dilution model analysis was performed for the proposed project. The results of the analysis determined that at least 45.62 acres would be needed to adequately dilute the nitrates from the proposed groundwater treatment plant. As the proposed project site exceeds this acreage amount, the proposed project would meet the groundwater quality standards.

In accordance with N.J.A.C. 7:15-5.25(h)3, the water supply need for the proposed project has been evaluated. Water supply for the proposed development will be provided by Aqua New Jersey – Hamilton Square (ANJHS) (PWSID No. 1103001). ANJHS is a public water system which withdraws water from the Potomac Raritan Magothy aquifer. They also purchase additional water from the Trenton Water Works which withdraws from the Delaware River. The location of ANJHS's diversions are in Park Ave, Robert Frost Drive, Paxson Avenue, and Whatley Rd. ANJHS has diversion privileges set by Water Allocation Permit No. 5286 for a total supply of 283.3 million gallons per month (MGM)

and currently has a water supply surplus of 65.149 MGM. The proposed water demand of the project, calculated in accordance with N.J.A.C. 7:15-5.25(f)1i, is 1.87 MGM; therefore sufficient water supply is currently 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. The municipal governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development. Robbinsville Township has an adopted stormwater management ordinances (No.2006-16); see N.J.A.C. 7:8-4. Robbinsville Township is also required to implement the N.J.A.C. 7:8 requirements incorporated in the Residential Site Improvement Standards; see N.J.A.C. 5:21-7.

In accordance with N.J.A.C. 5.25(h)5, proposed development disturbance is not be located in riparian zones except as provided under N.J.A.C. 7:15-5.25(h)i-vii. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated in the Surface Water Quality Standards 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. No riparian zones are located on the site.

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 equal to or greater than 20 percent. There are no steep slopes on the subject 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. These issues 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; development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State

statutes or rules. Approval of this amendment does not eliminate the need for any permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.

Sewer service to any particular project is subject to contractual arrangements between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.

**This notice** is being given to inform the public that a plan amendment has been proposed for the Mercer County WQM Plan. All information related to the WQM Plan and the proposed amendment is located at the Department, Office of Water Resources Management Coordination, 401 East State Street, P.O. Box 420, Mail Code 401-02A, 401 East State Street, Trenton, N.J. 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.

**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 April 13, 2016, 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 WQM Program Docket, at the Department address cited above, with a copy sent to the Secretary, Mercer County Planning Board, P O Box 8068, Trenton, NJ 08650-0068 and to Mr. Tony DiLodovico, Tony D Environmental Permitting LLC, 1 Briarwood Court, Jackson, NJ 08527. All comments must be submitted within 15 days following the public hearing and should reference Program Interest No. 435452, Activity No. AMD150003. All comments submitted prior to the close of the comment period shall be considered by the Department, the Mercer County Planning Board and the Mercer County Executive in reviewing the amendment request.

**Interested persons** may request in writing that the Department hold a nonadversarial 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 this 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



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

2-1-16

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Date

