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## **ENVIRONMENTAL PROTECTION**

### **WATER RESOURCES MANAGEMENT**

#### **DIVISION OF WATER MONITORING AND STANDARDS**

##### **Proposed Amendment to the Upper Delaware 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 Upper Delaware Water Quality Management (WQM) Plan in accordance with the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15. The proposed amendment (Program Interest No. 435437, Activity No. AMD170002) will establish a new on-site sewer service area consisting of a proposed discharge to ground water treatment plant for residential and commercial use on a portion of Block 23, Lot 1, Hampton Borough, Hunterdon County. The proposed project, identified as “Haberman Hampton”, consists of 142 single-family homes, 146 multi-family attached units, and 45 multi-family attached affordable units, as well as 6,000 square feet of commercial space, which add up to a new assigned sewer service area of 47 acres. The proposed project would generate a projected wastewater flow of 86,175 gallons per day (gpd) to be received by the new subsurface sewage disposal system based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. 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 sewer service area 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

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more of wastewater flow 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 but will generate more than 20,000 gpd of wastewater flow. The proposed project will be served by a new onsite discharge to groundwater treatment plant that will only serve the Haberman Hampton development described above. Therefore, a wastewater treatment plant capacity analysis will not be required. The Department's Bureau of Nonpoint Pollution Control, which is responsible to for issuing New Jersey Pollutant Discharge Elimination System (NJPDES) Discharge to Ground Water permits, will ensure that the proposed treatment plant is built to proper size and specifications for the proposed development.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as sewer service areas, 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 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 proposed sewer service area does not contain any areas mapped as endangered and threatened wildlife species habitats 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.

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- The Department determined that the proposed sewer service area 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 sewer service area 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 project site does contain wetlands based on the “Wetlands 2012” GIS data layer; however, in accordance with N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #1013-12-0001.1 FWW170001 confirming that there are no wetlands within the proposed sewer service area.
- The Department determined that the proposed sewer service area does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or 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 no 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).

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 and determined that the expanded sewer service area is consistent with land uses allowed by local zoning and the county and local master plans.

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

Hunterdon County Dept. of Planning, Economic Development and Land Use  
314 State Route 12, Building #1  
PO Box 2900  
Flemington, NJ 08822

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 through the Open Public Records Act. Requests can be made on-line at <https://www.nj.gov/dep/opra/opraform.html>.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above. Comments should reference Program Interest No. 435437, Activity No. AMD170002 and must be submitted within 30 days of the date of this public notice or within 15 days of the public hearing. A copy of the written comments should be sent to:

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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

AND

Tony DiLodovico  
Tony D Environmental Permitting  
One Briarwood Court  
Jackson, NJ 08527

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 specified in this notice. Such requests should reference Program Interest No. 435437, Activity No. AMD170002 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under 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 New Jersey Register and the comment period will be extended to 15 days after the public hearing date. All comments submitted prior to the close of

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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 sewer service area 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.

8/5/2019

Date

**SIGNED**

Bruce S. Friedman, Director

Division of Water Monitoring and Standards