

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JANUARY 6, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Proposed Amendment to the Northeast 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 Northeast 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. 435442, Activity No. AMD190007) would expand the sewer service area (SSA) of the Bernards Township Sewage Authority (BTSA) by 2.9 acres to serve proposed development on Block 11301, Lot 1 (portion), Bernards Township, Somerset County. The proposed project, identified as "Mountain View Sewer Service Area-Bernards Twp," consists of residential development of residential market rate and affordable housing units and would generate a projected wastewater flow of 8,700 gallons per day (gpd) to be received by the Harrison Brook Sewage Treatment Plant (STP) NJPDES No. NJ0022845, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. This portion of the property is immediately adjacent to the existing sewer service area.

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

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the eligible sewer service area needed to address a specific project or activity. N.J.A.C. 7:15-3.5(f)3 requires that site specific amendments proposing to add 100 or more acres or generating 20,000 gpd or more of wastewater 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 project will add less than 100 acres and will generate less than 20,000 gpd of wastewater; therefore, update of the wastewater treatment capacity analysis is not required.

In accordance with N.J.A.C. 7:15-3.5(h), applicants for proposed amendments in the Highlands Region must simultaneously submit the amendment application to both the Department and the Highlands Council. The areas proposed for sewer service are located within the Highlands Planning Area portion of Bernards Township, which is not a Highlands conforming municipality as defined at N.J. A.C. 7:15- 1.5 The Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the Regional Master Plan (RMP) and issued a letter that was received by the Department on. July 29, 2019 stating that the project is located in a non-deficit HUC 14 subwatershed, an Executive Order 114 (2008) review was not required.

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

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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 expanded sewer service area does not contain any areas mapped as threatened and endangered wildlife species habitat Ranks 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 expanded 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 expanded 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 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 #1802-12-0008.1 FWW170001 confirming that there are no wetlands within the expanded sewer service area.
- The Department determined that the expanded 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).

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- The Department determined that there are 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). The proposed project will convey wastewater to the Harrison Brook STP, which is subject to a Federal ESA grant condition included in the grant agreement executed between the BTSA and USEPA under project Number C-34-382. The ESA grant condition prohibits any sewer connection to federally-funded facilities from any sewage generating structure located on a parcel of property containing wetlands and/or floodplains unless a mapping waiver or grant waiver is obtained from USEPA. Based on the Freshwater Wetlands LOI mentioned earlier and Federal Emergency Management Agency (FEMA) 100-year floodplain maps, the Department has determined that there are no sewage-generating structures located within wetlands [or floodplains, etc.] located on the project site.

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.

This notice is to inform the public that a plan amendment has been proposed for the Northeast County WQM Plan All information related to these plans and the proposed amendment is located at:

Somerset County Planning Division

20 Grove Street, PO Box 3000

Somerville, New Jersey 08876

AND

New Jersey Department of Environmental Protection

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Division of Water Monitoring and Standards
Bureau of Environmental Analysis Assessment and Standards
PO 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 <http://www.nj.gov/dep/opra/>.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above. Comments should reference Program Interest No. 435442, Activity No. AMD190003 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 also be sent to:

Mr. Walter C. Lane
Somerset County Planning Division
20 Grove Street, PO Box 3000
Somerville, New Jersey 08876
AND

New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Environmental Analysis Restoration and Standards
PO Box 420, Mail Code 401-041
401 East State Street
Trenton, New Jersey 08625-0420

Interested persons may also request in writing that the Department hold a non-adversarial public hearing on the amendment, or extend the public comment period specified in this notice. Such requests

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should reference Program Interest No. 435442, Activity No. AMD190007 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.AC. 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 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.

11/19/19

Date

SIGNED

Bruce S. Friedman, Director

Division of Water Monitoring and Standards