

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE April 20, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN

## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATER RESOURCE MANAGEMENT**

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

### **Proposed Amendment to the Tri-County Water Quality Management**

### **Public Notice**

**Take notice** that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Tri-County Water Quality Management (WQM) Plan in accordance with 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 proposed amendment, identified as the **“Rising Sun Meadows”** (Program Interest No. 435433, Activity No. AMD180002) would expand the sewer service area (SSA) of the Blacks Creek Wastewater Treatment Plant (WWTP) (NJPDES No. NJ0024678) by 4.5 acres on Lot 43 to fully serve a proposed residential development located on Block 138.01, Lots 42 and 43, Bordentown Township, Burlington County. The proposed project includes a total of 59 townhomes and 168 apartments with a total flow projection of 51,540 gallons per day (gpd), most of which is currently within the SSA. Of the total project, 17 three-bedroom townhomes, 26 two-bedroom apartments, 14 one-bedroom apartments and a swimming pool will be in the expanded SSA and would generate a projected wastewater flow of 13,284 gpd, calculated in accordance with N.J.A.C. 7:14A-23.3. This notice represents the Department’s determination that the proposed amendment is compliant with the applicable regulatory criteria at N.J.A.C. 7:15, as described below.

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In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of the eligible SSA 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 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 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 SSAs, 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 (C1) 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 expanded 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.

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- The Department determined that the expanded 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 expanded 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 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 #0304-17-0004.1 FWW170001 confirming that there are no wetlands within the expanded SSA.
- The Department determined that the expanded 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 7:15-4.4(f).

The Department determined that there are 201 Facilities Plan grant conditions applicable to the project site based on the United States Environmental Protection Agency (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 Blacks Creek WWTP of the Bordentown Sewage Authority which is

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subject to a Federal ESA grant condition included in the grant agreement executed between the Bordentown Sewage Authority and USEPA under project Number C-34-607-02. 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. A conditional grant waiver was issued by the USEPA to the Bordentown Sewage Authority on August 21, 2019.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department considered the land uses allowed in zoning ordinances, future land uses shown in municipal or county master plans, and other local land use objectives. The Bordentown Township Committee adopted Ordinance #2018-21 on July 23, 2018 that allows an AH-1 affordable housing overlay zone on the project site. The Department of Resource Conservation of Burlington County, on behalf of the Board of Chosen Freeholders, issued a letter dated October 7, 2019 stating that although Burlington County does not have a Master Plan, the project was reviewed by the Burlington County Planning Board and was approved with conditions on October 15, 2018.

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

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

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401 East State Street

Trenton, New Jersey 08625-0420

The Department's file is available for inspection between 9:00 a.m. and 4:00 p.m., Monday through Friday, upon request. An appointment to inspect the file must be arranged by calling the Bureau of Environmental Analysis, Restoration and Standards at (609) 633-1441.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above. Comments should reference Program Interest No. 435433, Activity No. AMD180002 and must be submitted within 60 days of the date of this public notice. A copy of the written comments should also be sent to:

Andrew Werbler

242 Route 79, Suite 9

Morganville, New Jersey 07751

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 should reference Program Interest No. 435433, Activity No. AMD180002 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 the comment period shall be considered by the Department before making a final decision on the proposed amendment.

