

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE DECEMBER 7, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATER RESOURCE 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 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. This proposed amendment would modify the Borough of Bloomsbury and Hunterdon County Wastewater Management Plans (WMPs). The proposed amendment, identified as “Bloomsbury Mets” (Program Interest No. 435437, Activity No. AMD180002) would establish a new 4.5-acre on-site discharge to ground water (DGW) sewer service area (SSA) on Block 32, Lot 1.01, Bloomsbury Borough, Hunterdon County. The proposed project is located along State Highway 173 and includes an existing convenience store with 16 fueling stations and a proposed new 50-seat restaurant. As calculated in accordance with N.J.A.C. 7:9A, the total projected wastewater flow, from both the existing development and the proposed restaurant, is 4,066 gallons per day (gpd), to be regulated under a New Jersey Pollution Discharge Elimination System (NJPDES) permit. 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, as described below.

A public notice regarding this proposed amendment was previously published in the May 4, 2020 New Jersey Register at 52 N.J.R. 1029(a) announcing a public hearing to be held on June 5, 2020. However, the public hearing was not held on that date due to COVID-19 restrictions put in place. The public hearing

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has been rescheduled as indicated later in this notice. No other changes have been made to the proposal from the previous notice.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alternations to 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 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 would generate less than 20,000 gpd of wastewater; therefore, update of the wastewater treatment capacity analysis is not required. The Department's Bureau of Nonpoint Pollution Control, which is responsible for issuing NJPDES Discharge to Ground Water permits, will ensure that the proposed treatment plant is built to adhere to all applicable ground water quality standards.

Pursuant to N.J.A.C. 7:15-3.5(h), applicants for proposals located in the Highlands Region must simultaneously submit the application to the Department and the Highlands Council to provide an opportunity for the Highlands Council to submit comments prior to the Department rendering a decision on the application. The proposed project is located within an Existing Community Zone of the Highlands preservation area. Bloomsbury Borough is entirely within the Highlands preservation area and is conforming to the Highlands Regional Master Plan (RMP). The Highlands Council adopted a Resolution designating the project site as a Highlands redevelopment area on June 15, 2017 (Resolution 2017-7).

An expansion or creation of public wastewater collection systems in the Highlands preservation area is prohibited unless approved through an exemption or a Highlands Preservation Area Approval (HPAA) with waiver from the Department. The Highlands Council reviewed the proposed amendment for consistency with the RMP and issued a letter dated January 3, 2019 conditionally deeming the proposed amendment consistent with the expectation that the HPAA with waiver from the Department, discussed

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below, would be forthcoming. Additionally, the Highlands Council provided the following conditions as part of their consent: continued monitoring of subsurface conditions of the carbonate bedrock to allow the maximized use of low-impact development for stormwater management and placement of a conservation restriction on the remainder of the undeveloped property.

Pursuant to N.J.A.C. 7:15-4.4(c)1, areas in the Highlands preservation area are eligible for sewer service, as stated in N.J.A.C. 7:38-2.6, if they are approved in accordance with an HPAA with waiver in accordance with N.J.A.C. 7:38-6. An application for an HPAA with waiver was received by the Department on March 23, 2018 (Permit No. 1003-17-0001.1, SHR 180002). The Department's Division of Land Use Regulation has determined that the project qualifies for an HPAA with waiver under N.J.A.C. 7:38-6.

This notice is to inform the public that a plan amendment has been proposed for the Upper Delaware WQM Plan. All information related to this 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  
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 between 9:00 a.m. and 4:00 p.m., Monday through Friday. An appointment to inspect the file may be arranged by calling the Bureau of Environmental Analysis, Restoration and Standards at (609) 633-1441.

In accordance with N.J.A.C. 7:38-11.6(c), a rescheduled public hearing will be held by the Department on the proposed amendment at which time all interested persons may appear and shall be given an opportunity to be heard. The public hearing will take place on Friday, January 22, 2021 at 10:00 AM as a virtual Microsoft Teams web meeting only. The hearing will conclude at 12:00 PM or the conclusion of

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all public testimony, whichever is earlier. Details on how to access the hearing will be made available at <https://www.nj.gov/dep/wqmp/wmpnotices.html> one day before the public hearing. For those without access to web meetings, the hearing will also be accessible by phone for audio only. The phone number and access code for joining the web meeting via phone can be obtained by calling (609) 633-1441 or emailing [wqmp@publiccomments@dep.nj.gov](mailto:wqmp@publiccomments@dep.nj.gov). Commenters that anticipate providing verbal testimony are encouraged to notify the Department in advance by calling (609) 633-1441 or e-mailing [wqmp.publiccomments@dep.nj.gov](mailto:wqmp.publiccomments@dep.nj.gov) to ensure a timely and streamlined public hearing process. The Department will record the meeting as part of the public record.

Interested persons may also submit written comments on the proposed amendment to the Department at the address cited above or at the email: [wqmp.publiccomments@dep.nj.gov](mailto:wqmp.publiccomments@dep.nj.gov). Comments should reference Program Interest No. 435437, Activity No. AMD180002 and must be submitted within 15 days after the public hearing.

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 resulting from adoption 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.

10/16/2020

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Date

SIGNED

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Kimberly Cenno, Bureau Chief  
Bureau of Environmental Analysis, Restoration and Standards  
Division of Water Monitoring and Standards