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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

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 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 “Ohm Amrutam” (Program Interest No. 435452, Activity No. AMD200001) would designate approximately 15.3 acres as a discharge to ground water (DGW) sewer service area (SSA) within portions of Block 19, Lots 3 and 25, Robbinsville Township. The proposed project property is approximately a total of 64.8 acres. Approximately 15.3 acres of the project property are to be sub-divided into twelve individual home lots. The proposed residential development is to consist of 12, 5-bedroom single family homes, to be served by a proposed onsite DGW wastewater treatment system. As calculated in accordance with N.J.A.C. 7:9A-7.4, the proposed project will generate a projected wastewater flow of 9,600 gallons per day (gpd).

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.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alternations to the eligible SSA needed to address a specific project or activity. N.J.A.C. 7:15-3.5(j)2

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requires that site specific amendments proposing to add 100 or more acres or generating 20,000 gpd or more of wastewater flow shall include a proposed modification to 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. As the proposed project will be served by a new onsite DGW wastewater treatment system a wastewater treatment plant (WTP) capacity analysis is not required. However, the proposed DGW system will be required to seek a New Jersey Pollutant Discharge Elimination System (NJPDES) DGW individual permit regulated under the Department's Bureau of Ground Water, Residuals and Permit Administration. At that time, the permit applicant shall demonstrate compliance with Ground Water Quality Standards, N.J.A.C. 7:9C, through the permitting process.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSA, except as otherwise provided at N.J.A.C. 7:15-4.4(i), (j), (k) and (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of any of the following, alone or in combination: 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), (f) and (g) and made the following findings:

- In accordance with N.J.A.C. 7:15-4.4(e)1, the Department determined that a 3-acre portion of the proposed SSA contained areas mapped as endangered and threatened wildlife species habitat as

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identified on the Department's Landscape Maps of Habitat of Endangered, Threatened or Other Priority Wildlife "Landscape Project Data" Version 3.3 GIS data layers for Rank 3 (Wood Turtle) and Rank 4 (Bobcat) habitat. In accordance with N.J.A.C. 7:15-4.4(j)2, the applicant submitted a Habitat Impact Assessment (HIA) dated June 24, 2020 prepared by DuBois Associates pursuant to N.J.A.C. 7:14-4.7. The Department reviewed the HIA and concurred with the findings of the report that the project property does not feature suitable habitat for the identified species.

- The Department determined that the proposed 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.
- 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 7:15-4.4(e)3, the Department determined that a portion of the proposed project property was within the 300-foot riparian zone associated with an on-site water feature which drains to the Assunpink Creek, a designated C1 water and is within the same HUC 14 watershed of this waterbody. However, as part of the review associated with a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification (No. 1112-15-0007.1/FWW150001), issued on July 6, 2016, the Department determined that the man-made feature is a ditch and that it does not extend as far onto the project property as the GIS data depicted. In addition, it was determined that the ditch is not regulated under N.J.A.C. 7:13, the Flood Hazard Area Control Act Rules, and as such no 300-foot riparian buffer zone was associated with the feature.
- 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 Freshwater Wetlands LOI/Line Verification (No. 1112-15-0007.1/FWW150001) confirming that there are no wetlands within the proposed SSA.

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- The Department determined that the proposed 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 N.J.A.C. 7:15-4.4(f).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project based on the U.S. Environmental Protection Agency 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 adopted zoning ordinances, future land uses shown in adopted municipal and county master plans, and other local land use objectives. On October 16, 2019, Robbinsville Township Planning Board adopted Resolution No. PB2019-17 granting preliminary and final major subdivision approval for the proposed project.

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

Mercer County Planning Department

McDade Administration Building

640 South Broad Street

P.O. Box 8068

Trenton, New Jersey 08650-0068

AND:

New Jersey Department of Environmental Protection

Division of Water Monitoring and Standards

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Bureau of Environmental Analysis, Restoration and Standards

Water Quality Management Planning Program

PO 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, 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.

Mercer County Board of County Commissioners, as the designated planning agency, requires that a public hearing be held for all WQM plan amendments under its jurisdiction. A public hearing will be held by Mercer County on Wednesday August 11th, 2021 at 9:00 A.M in the McDade Administration Building, 640 South Broad Street, Freeholder Meeting Room 211, Trenton, New Jersey 08650-0068.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above or at the email: wqmp.publiccomments@dep.nj.gov and to the Mercer County Board of County Commissioners at the following address:

Secretary, Mercer County Planning Board

P.O. Box 8068

Trenton, New Jersey 08650-0068

Comments should reference Program Interest No. 435452, Activity No. AMD200001 and must be submitted within 15 days after the public hearing.

Interested persons may request in writing that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435452; Activity No. AMD200001 and must demonstrate sufficient

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public interest for the public hearing or extension of the comment period, as defined at 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 Department's public hearing. All comments submitted prior to the close of the comment period shall be considered by the county and the Department before making a final decision on the proposed amendment.

Sewer service is not guaranteed should this amendment be adopted as it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA 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.

05/11/21
Date

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