

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 6, 2022 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LANDMANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

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 “Hilton West Windsor” (Program Interest No. 435452, Activity No. AMD210002) would expand the sewer service area (SSA) of the Stony Brook Regional Sewerage Authority (SBRSA) River Road Sewage Treatment Plant (STP), NJPDES No. NJ0031119, by 21.23 acres to serve a proposed residential development on a portion of Block 37, Lot 7 in West Windsor Township, Mercer County. The proposed project consists of 88 age-restricted residential units with a clubhouse, recreation center, and pool. The project will generate a projected wastewater flow of 21,210 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

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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 alterations to 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 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. The proposed project involves less than 100 acres but would generate a projected wastewater flow of more than 20,000 gpd and, thus, is subject to the wastewater capacity analysis requirement. The purpose of the modification is to update the existing wastewater treatment capacity analysis in order to determine whether the SBRSA River Road STP has the capacity to service the project in addition to its currently approved SSA. An updated analysis was submitted for the SBRSA River Road STP. The analysis found that there was an additional 0.0417 million gallons per day (MGD) of projected wastewater from approved amendments to the Mercer County WMP since the capacity analysis contained in the adopted WMP was completed. This additional wastewater flow results in a projected total wastewater flow of 18.404 MGD from the SBRSA River Road STP SSA once full build-out is achieved. The SBRSA River Road STP is currently permitted to discharge up to 13.06 MGD under NJPDES Permit No. NJ0031119. At this time, SBRSA River Road STP has capacity to accommodate the additional flow from the proposed project; however, a potential future wastewater treatment capacity deficit of 5.234 MGD had already been identified for the SBRSA River Road STP, and the addition of this

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project into the SSA will increase that future deficit, however, at this time, the SBRSA River Road STP has capacity for this project without the need for an expansion.

SBRSA owns and maintains three pumping stations and associated interceptors and force mains. Each municipality served by SBRSA owns and maintains their respective sewer systems. The SBRSA has expressed a commitment to improve the facility and evaluate the need for additional capacity in cooperation with the municipalities and the Mercer and Middlesex County Planning Boards, when necessary. It is anticipated that SBRSA will perform the required antidegradation analysis and evaluate the proposed level of treatment required to comply with State and Federal water quality standards at that time. At such time as an expansion is proposed, amendment of the WQM Plan, in accordance with N.J.A.C. 7:15-3.2(c), will be required.

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 pursuant to 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 at N.J.A.C. 7:15-4.4(f), and; ESAs subject to 201 Facilities Plan grant conditions pursuant to 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

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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:

- The Department determined that the proposed 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.
- 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.
- The Department determined that the proposed 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 N.J.A.C. 7:13-4.1(c)1 and 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, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File # 1113-19-0002.1 FWW190001 confirming that there are no wetlands within the proposed SSA.
- The Department determined that the proposed SSA does not contain any areas mapped as Fringe Planning Areas, Rural Planning Areas, or Environmentally Sensitive Planning

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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 (USEPA) list of New Jersey Grantees 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. The proposed project received preliminary/final major site plan approval from West Windsor Township on December 8, 2021. The Mercer County Planning Department issued a letter dated August 16, 2021, stating that the proposed project is consistent with the land uses identified in the Mercer County Master Plan.

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 is located at:

Mercer County Planning Department
McDade Administration Building
640 South Broad Street
P.O. Box 8068

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Trenton, New Jersey 08650-0068

AND

New Jersey Department of Environmental Protection

Division of Watershed Protection and Restoration

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Water Quality Management Planning Program

PO Box 420, Mail Code 501-02A

501 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 NJPDES Stormwater Permitting & Water Quality Management (609) 633-7021.

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 virtual public hearing will be held by the Mercer County Planning Board on July 13, 2022 at 9:00 am.

Topic: Planning Board

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88050299996>

Or One tap mobile:

US: +13126266799,,88050299996# or +19294362866,,88050299996#

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Or Telephone: Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 436 2866 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 880 5029 9996

International numbers available: <https://us02web.zoom.us/j/kAdvXXusf>

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 Mercer County 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. AMD210002 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. AMD210002 and must demonstrate sufficient 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 issue of the New Jersey Register and the comment period will be extended to 15 days after the public hearing. All comments

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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.

5/11/2022
Date

Signed
Gabriel Mahon, Bureau Chief
Bureau of NJPDES Stormwater Permitting and Water Quality
Management
Division of Watershed Protection and Restoration NJ Department
of Environmental Protection