

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE SEPTEMBER 6, 2022 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

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Upper Raritan 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 Raritan 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 “Hunterdon Heights at Readington” AKA “Readington Commons” and “The Ridge” (Program Interest No. 435434, Activity No. AMD200001) would expand the Readington-Lebanon Sewerage Authority (RLSA) sewer service area (SSA) by 4.48 acres to serve a proposed housing development in Readington Township, Hunterdon County. The Hunterdon Heights at Readington overall development proposal is for 254 multi-family rental units comprised of 190 market rate units and 64 affordable units on Block 4, Lots 51 and 52 in the Readington Township, Hunterdon County. All of Lot 51 and a portion of Lot 52 are in the SSA. This proposal would amend the SSA to include an additional portion of Lot 52, amounting to 4.48 acres, to accommodate the complete development. As calculated in accordance with N.J.A.C.

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7:14A-23.3, the overall proposed project will generate a projected wastewater flow of 53,375 gallons per day (gpd); the amendment portion of the project will generate a projected wastewater flow of 19,950 gpd to be treated by the Readington-Lebanon Sewerage Authority (RLSA) [New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0098922].

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 amendment portion of the 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 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),

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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 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 contain areas mapped as endangered or threatened wildlife species habitat Rank 3 for Wood Turtle and Rank 4 for Bobcat 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. In accordance with N.J.A.C. 7:15-4.4(j)2 and (k), the applicant provided a Habitat Suitability Determination (HSD) and Habitat Impact Assessment prepared by Ecolscience dated June 9, 2021, pursuant to N.J.A.C. 7:14-4.6 and 7. Based on review of the HSD and existing information, the Department concurred with the findings that the site was either unsuitable or insignificant to the species of concern and the amendment proposed expanded SSA will result in insignificant and/or discountable impacts to E&T animal species habitat. There are various factors that severely limit the probability of the onsite habitat providing any significant habitat value for Wood Turtle. Route 22 likely acts as a barrier to wood turtle overland movement to habitats north of the roadway and the onsite habitat offers limited, if any, nesting or foraging habitat attributes that would entice turtles to access it. The site characteristics are only marginally suitable for Bobcat, and, more

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significantly, the location proximate to an active roadway and adjacent development render the site unlikely to be used by bobcat and is largely unsuitable for this species. Additionally, the parcel does not directly occur within an area identified as a travel corridor by the Department's CHANJ mapping.

- 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 the proposed SSA does not contain wetlands based on the "Wetlands 2012" GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4.
- 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 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

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accordance with N.J.A.C. 7:15-4.4(g). The proposed project will convey wastewater via a collection system which is subject to a Federal ESA grant condition included in the grant agreement executed between the Readington Township and USEPA under project Number #C-34-577-02. 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. Readington Township requested a waiver from the grant conditions (Readington Township – Whitehouse EA/FSNI #C-34-577-02) from EPA Region 2, and it was granted on July 20, 2022. RLSA also has 201 Facilities Plan grant conditions (C34-535-01), but it was determined by EPA that RLSA does not have to also obtain a waiver for this project.

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 local approval in the form of a Readington Township Planning Board Preliminary Site Plan Approval via Resolution No 2020-02 on March 30, 2020, and Readington Township Planning Board Final Site Plan Approval via Resolution No 2020-14 on January 11, 2021. The Hunterdon County Planning Board issued a letter of Conditional Approval to Construct for the project dated June 3, 2021.

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

New Jersey Department of Environmental Protection

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Division of Watershed Protection & 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.

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. Comments should reference Program Interest No. 435434, Activity No. AMD200001 and must be submitted within 30 days of the date of this public notice.

Interested persons may 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. 435434, Activity No. AMD200001 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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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.

8/5/2022

Date



Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management
Division of Watershed Protection and Restoration
NJ Department of Environmental Protection