

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE MERCER COUNTY WATER QUALITY  
MANAGEMENT PLAN

Public Notice

Take notice that on **NOV 19 2008**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Mercer County Water Quality Management Plan (WQMP) was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of Robbinsville (formally Washington) Township, Mercer County adopts a new Wastewater Management Plan (WMP) for Robbinsville Township. This amendment also modifies the Hamilton Township WMP. Pursuant to N.J.A.C. 7:15-5.8 of the Water Quality Management Planning rules in affect at the time this amendment was submitted to the Department, Robbinsville Township had wastewater management planning responsibility for the area within the municipal boundaries. Therefore, the Robbinsville Township WMP includes the entire municipality with the exception of Block 56, Lot 14. This lot, situated adjacent to the municipal boundary with East Windsor, is served by the East Windsor Municipal Utilities Authority (EWMUA) Water Pollution Control Facility. As adopted in the EWMUA WMP, this 0.7-acre developed residential lot located on the west side of Hankins Road, is within the EWMUA WMP Planning Area.

Currently, Robbinsville Township has 2.5 million gallons per day (MGD) allocation for wastewater treatment at the Hamilton Township Water Pollution Control Facility (HTWPCF). The HTWPCF (#NJ0026301) is currently

permitted at 16.0 million gallons per day (MGD) and discharges to the portion of the Assunpink Creek designated as a Category 2, (C2), Fresh Water 2 (FW-2) waterway as classified under the Surface Water Quality Standards, N.J.A.C. 7:9B. The wastewater collection system that serves Robbinsville Township is owned and operated by Robbinsville Township.

This amendment includes expansion of the HTWPCF sewer service area within Robbinsville Township in several areas. The previously approved sewer service area is to be expanded to include 29 developed single-family lots in the western portion of the Township. The existing developed parcels are situated north of the intersection of Buckley Lane and Robbinsville-Edinburg Road on the east and west side of Robbinsville-Edinburg Road. In addition, the previously approved sewer service area is to be expanded to include portions of the proposed Gordon Road mixed-use subdivision. Proposed development for the Gordon Road mixed-use subdivision within the previously approved sewer service area is to include 186,000 square feet of office/retail space, 14 single-family residential dwellings, 17 age-restricted units, 16 townhouse units, and 83 apartment units. The expansion of the sewer service area to serve this subdivision will consist of development of a proposed 35,000 square foot municipal office building, a YMCA, 103 age restricted single family dwelling units, 30 age restricted residential duplex units, a recreation cabana and a 750 student elementary school. The proposed expansion of the sewer service area to include the Gordon Road subdivision will include all portions of the development with the exception of large wetlands areas.

In addition to the areas of sewer service area expansion, two large tracts located in the previously approved sewer service area are to be removed from the sewer service area. These lots have been preserved as open space. One parcel,

designated as Block 5, Lot 26, consisting of 71 acres, is located in the northwestern portion of the Township near Route 130 and the West Windsor Township border. The second lot, designated as Block 20, Lot 14 totaling 100 acres, is located in the eastern portion of the Township and is situated adjacent to U.S. Route 130 between the intersections U.S. Route 130 and Voelbel Road and Voelbel Road and Perrineville Road.

As part of this amendment, adjustments to the sewer service area delineation along the border between East Windsor and Robbinsville Township were required in order to more accurately reflect the boundary line contained in existing tax maps for these municipalities. As a result of more accurate parcel mapping and available digital technology, this WMP re-delineates portions of the sewer service area to accurately identify the service areas actually currently served by the HTWPCF.

**This amendment** was reviewed in accordance with Executive Order 109 (2000) (EO-109) and N.J.A.C. 7:15-5.18. The Robbinsville Township WMP incorporates an environmental constraints/build-out (build-out) analysis to identify existing and future projected flow from the Township to ensure there will be sufficient capacity at the HTWPCF to accommodate future need. This build-out analysis was conducted for all parcels within the existing and proposed sewer service areas. The existing wastewater flow received at the HTWPCF from Robbinsville Township was calculated as the total combined metered flow from residential and commercial customers for the year 2007 expressed as the annual average of the monthly average flow in MGD. The projected wastewater flow was calculated in accordance with N.J.A.C. 7:14A-23.3 based upon the current Township zoning and included potential development of all remaining parcels of vacant land, underdeveloped residential and commercial property and any existing parcels

currently served by individual subsurface sewage disposal systems that are located within the proposed sewer service area and not currently provided sanitary sewer service. Environmentally constrained areas were excluded from the sewer service area for purposes of projecting wastewater flow. The environmentally constrained areas excluded in projecting wastewater flow from the proposed sewer service areas included wetlands, steep slopes, preserved open space and documented flood prone areas or protected riparian corridor areas where development would be prohibited. The existing wastewater flow and calculated projected wastewater flow were combined to determine the total projected wastewater flow of 2.5 MGD from Robbinsville Township to the HTWPCF.

In order to satisfy the Riparian Corridor Analysis, the Township of Robbinsville adopted Ordinance No. 2004-30 to ensure the protection of the riparian corridors along all perennial and intermittent streams. As required, the adopted ordinance establishes and protects a riparian corridor protection area ("stream corridor buffer") of a minimum width of 75 feet of undisturbed vegetation on both sides of the stream. The stream corridor buffer is to be measured from the top of each channel bank or the limit of any adjacent wetlands, whichever is greater. Although not required by the Department, the ordinance indicates the stream corridor buffer is to be enlarged in the following ways when the following characteristics exist: 1) where there is evidence that frequent flooding occurs (soils of hydrologic group C and D), the stream corridor buffer is extended to encompass the actual known area inundated by flooding; 2) where certain soil types are present such as very shallow or erodible soils (soil capability class IIIe/s, and IVe/s: the stream corridor buffer width shall be increased to 100 feet; the presence of soil capability classes VIe/s, VIIe/s and VIII increases the stream corridor buffer to 150 feet); and 3) where steep slopes may exist, the buffer width shall be increased to one-third (1/3) of the

distance from the stream to the top of the slope. The applicable stream buffer shall either be the 1/3 distance from the top of the slope, or 75 feet, whichever is greater.

In the event there are nonadjacent wetlands located within the seventy-five-foot stream corridor buffer, the buffer area shall be extended outward from the top of the stream bank for a distance equivalent to the width of the wetlands as measured from the top of the stream bank and the buffer width as would normally be required.

To satisfy the Nonpoint Source Pollutant Loading/Hydromodification Analysis, an ordinance ensuring compliance with the performance standards of the Stormwater Management Rules, N.J.A.C. 7:8, was necessary. To comply with this requirement, the Township of Robbinsville adopted Ordinance No. 2006-16. As required, this ordinance indicates that the performance standards must be met through the use of non-structural measures, where possible. If non-structural measures alone are insufficient to meet the performance standards, then the proposed project must supplement with structural best management practices (BMPs) as necessary.

The Endangered or Threaten Species Habitat Analysis was performed utilizing the Department's Division of Fish and Wildlife, Endangered and Non-Game Species Program "Landscape Project". The Landscape Project identifies areas of critical habitat that support or potentially support Federal and State endangered or threaten species and other species of concern. Endangered and Threatened Species habitats reviewed under this analysis are Rank 5 (Federal endangered and/or threatened species), Rank 4 (State endangered species), or Rank 3 (State threatened species). This analysis determined that a portion of the proposed sewer service area expansion is designated as endangered and/or threatened

species habitat Ranked 3 and 4. Therefore, the Township of Robbinsville adopted Ordinance 2007-49 to address potential development within these areas. This ordinance requires that a natural resource inventory, including threatened and endangered plants and animals be conducted to provide documentation indicating if listed endangered or threaten species are present on the site of any proposed new construction within the Township. All applicants for proposed development projects must screen for the existence or nonexistence of endangered or threatened species habitat on the project site by utilizing any list of threatened and endangered plant or animal species developed by the U.S. Department of the Interior or the Department. No proposed development shall be permitted unless it is designed to avoid any negative impacts to confirmed habitat areas. In addition, protection of the habitat area appropriate to the species identified shall be provided. As a result of the adoption of this ordinance, the Township has satisfied the Endangered or Threaten Species Habitat Analysis.

In order to evaluate the groundwater impacts for the development of those areas of Robbinsville Township that are outside of the proposed sewer service area and are to be served by subsurface sewage disposal systems with wastewater planning flows of 2,000 gallons per day or less, the Nitrate Dilution Model, developed by the Department, was applied. This model estimates the minimum lot size necessary to support conformance with the ground water quality standards. The Nitrate Dilution Model indicated that of the 15 soil groups identified outside of the proposed sewer service area, a range of approximately 1.6 to 2.3 acre lot size could provide the recharge for the dilution necessary to conform to the groundwater quality standard of 5.2 mg/l. The weighted average of this lot size range, taking into account the percentage of the overall area which each soil type constituted, is an average lot size of 2.1 acres. The existing zoning for developable portions of these areas is Rural Residential (RR) and requires a

minimum net lot area of 2 acres per unit. A large percentage of the areas outside the sewer service area in Robbinsville Township are preserved as open space, thus will not generate any units. When these open space areas are taken into account, the existing zoning for developable areas, in conjunction with the established open space area yields one unit per four acres and thus satisfies the average lot size requirement for protection of groundwater developed utilizing the nitrate dilution model.

The Water Use Analysis indicated that no new or expanded source of potable water, well allocation or water diversion is required as a result of this amendment. A review of the existing water allocation permit #WCP05001 determined there is adequate allocation to serve build-out.

This amendment proposal was noticed in the New Jersey Register on June 2, 2008 at 40 N.J.R. 3323(b). A public hearing on the proposed WQMP amendment, conducted by the Mercer County Planning Board, was held on Wednesday, September 10, 2008. The Mercer County Planning Board and the Department received comments during the comment period. The Mercer County Planning Board considered the proposed amendment on October 10, 2008. In accordance with the Mercer County WQMP Amendment Procedures, the Mercer County Planning Board formally endorsed the amendment in the form of Resolution No. 2008-04.

The following people submitted written comments on this amendment:

**Number – Commenter Name, Affiliation**

1. Carmela Roberts, P.E., Township of Robbinsville Utilities Consulting Engineer
2. Residents of Buckley Lane and 129-203 Robbinsville-Edinburg Road,  
Robbinsville Township

Summary of Comments and Responses:

The comments submitted and the Department's responses are summarized below. The number(s) in parentheses after each comment identifies the respective commenter(s) listed above.

Comment 1:

The public notice incorrectly described proposed development that is to be located within the area proposed for sewer service expansion. Page 2 of the public notice incorrectly identified the portion of the proposed Gordon Road mixed use subdivision development that is to be located within the proposed expanded sewer service area. The description given: 186,000 square feet of office/retail space, 14 single-family residential dwellings, 17 age-restricted units, 16 townhouse units, and 83 apartment units, is for that portion of the proposed Gordon Road mixed-use subdivision development that is to be located within the previously approved sewer service area.

The expansion of the sewer service area to serve this subdivision is to consist of development of a proposed 35,000 square feet of municipal office building, a YMCA, 103 age restricted single family dwelling units, 30 age restricted residential duplex units, a recreation cabana and a 750 student elementary school.

(1)



Response:

The Department acknowledges the description in the proposal notice was actually of the portion of the proposed development within the existing sewer service area. However, the incorrect project description did not affect the build out analysis conducted for this WMP. Because the build-out analysis for a WMP is designed to identify existing and future projected flow from the entire area proposed for sewer service (both the existing sewer service area and any areas proposed for expansion) to ensure there will be sufficient capacity at the applicable treatment plant to accommodate future need, the entire Gordon Road mixed use subdivision was included in the build-out analysis.. Consequently, the incorrect description in the notice of the portion of the development that was detailed did not affect this analysis nor alter its conclusion. As the description of all proposed development areas in the WMP itself was accurate at all times, the WMP is being adopted without change. The description contained in this adoption notice reflects the portion of the proposed development that is contained within the expanded sewer service area.

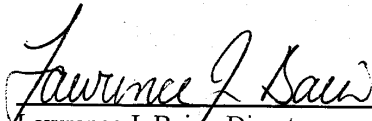
Comment 2:

The Robbinsville-Edinburg Road and Buckley Lane portions of Robbinsville Township should be sewerred. Accordingly, the proposed WMP is supported. The commenter submitted copies of two petitions sent to Township Council, dated June 24, 2003 and July 16, 2006, as evidence for this need. The petitions, requesting public water and sewer service were signed by residents of Robbinsville-Edinburg Road and Buckley Lane, Robbinsville Township. (2)

Response:

The support for this amendment is acknowledged.

This proposed amendment represents only one part of the permit process and other issues may need to be addressed prior to final issuance of all appropriate permits. Additional issues which may need to be addressed may include, but are not limited to, the following: compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.



Lawrence J. Bair, Director  
Division of Watershed Management  
Department of Environmental Protection



Date