

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**DIVISION OF WATERSHED MANAGEMENT**

**ADOPTED AMENDMENT TO THE MERCER COUNTY WATER QUALITY  
MANAGEMENT PLAN**

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Public Notice

**Take notice** that on **JAN 23 2009**, 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 Viridian Partners, LLC and Hampshire Companies, modifies the Mercer County WQMP and the East Windsor Municipal Utilities Authority (EWMUA) Wastewater Management Plan (WMP) by expanding the sewer service area of the EWMUA Water Pollution Control Facility (WPCF) to include Block 13, Lots 1.01 and 1.02 within East Windsor Township, Mercer County. The EWMUA WPCF has a permitted capacity of 3.35 million gallons per day (MGD) to discharge to the Millstone River under NJPDES Permit # NJ0023787.

Block 13, Lot 1.02, which is located northeast of the intersection of I-95 and Wyckoff Mills Road, is the former National Lead (NL) site, owned by Wyckoff Mills, LLC. Viridian Partners, LLC is the contract purchaser of this property. The site currently contains abandoned manufacturing facilities. Viridian Partners, LLC is interested in redevelopment in the future, but at this time does not have a plan or a time frame for development.

Block 13, Lot 1.01, located directly east of Block 13 Lot 1.02 on Wyckoff Mills Road, is owned by Hampshire Companies and Elementis Specialties is the tenant currently occupying the existing office buildings on Lot 1.01 and operating the existing onsite wastewater treatment facility that currently serves both Lot 1.01 and Lot 1.02. The

Elementis Specialties, Inc. Wastewater Treatment Plant currently operates under NJPDES Permit # NJ0004243 which is permitted to discharge 0.007 MGD to the Millstone River, and NJPDES Permit # NJ0101656 which is permitted to discharge 0.007 MGD to ground water. The discharge to groundwater is via a surface impoundment that is part of the on-site wastewater treatment facilities, which also discharges to surface water.

There are no current site plans for redevelopment, but maximum projected flow for these two parcels, based on the Research – Office (R-O) zoning classification, has been calculated in accordance with N.J.A.C. 7:14A-23.3 to be 43,046 gallons per day. Upon connection of these properties to the EWMUA WPCF, the Elementis Specialties, Inc. Wastewater Treatment Plant will be abandoned.

In March of 2007, the EWMUA WMP update was adopted by the Department, but the Elementis and National Lead properties were not included in the EWMUA sewer service area as part of the update. These parcels were excluded from sewer service area because the project was submitted to the Department when the EWMUA WMP was near the end of the adoption process. Instead of holding up the adoption of the EWMUA WMP, the flow anticipated from the two parcels was calculated to be 43,046 gallons per day and accounted for in the EWMUA Wastewater Treatment Plant flow projections. Therefore, this expansion of the EWMUA WTP sewer service area will not require an increase in the permitted capacity of the WTP.

**This amendment** was reviewed in accordance with Executive Order 109 (2000), N.J.A.C. 7:15-5.18., and N.J.A.C. 7:15-5.25. As part of the Riparian Corridor Analysis, it was found that the Millstone River, a FW2-NT waterbody, runs through the northern section of both lots. It has been determined that this waterbody runs through acid producing soils. To satisfy the Riparian Corridor Analysis, a 150 foot buffer has been applied to the top of bank of the stream channel. This riparian zone has been mapped and removed from sewer service area. Final delineation of the extent of the riparian zone and compliance with the Flood Hazard Area Control Act rule amendments shall be



determined by the Division of Land Use Regulation through either a jurisdictional determination or permit.

The Nonpoint Source Pollutant Loading/Hydromodification Analysis was met by the Township of East Windsor through adoption of Ordinance No. 2006-4, assuring compliance with the performance standards of the Stormwater Management Rules, N.J.A.C. 7:8. 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 project must supplement with structural best management practices (BMPs), as necessary.

A Point Source Pollutant Loading Analysis was not necessary as the EWMUA Wastewater Treatment Plant, which has a permitted capacity of 3.35 MGD to discharge to the Millstone River under NJPDES Permit # NJ0023787, will not require an expansion. The flow anticipated from this project has already been planned for in the March 2007 EWMUA WMP.

The Endangered or Threatened 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 species habitats that are Rank 5 (Federal endangered and/or threatened), Rank 4 (State endangered), or Rank 3 (State threatened). This analysis determined that no endangered and/or threatened species habitats Ranked 3, 4 or 5 are identified within the amendment area.

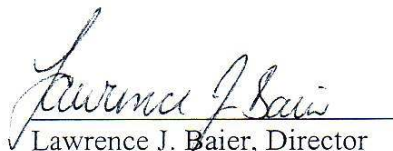
The Water Use Analysis indicated that the water supply source is from the EWMUA and the existing water allocation permit #5005 will not require modification. No new or expanded source of potable water, well allocation or water diversion is required as a result of this amendment.

An additional analysis concerning the surface level soil conditions at this site was completed to ensure that future construction and movement of soil will not inadvertently put pollutants back into the air, ground water, or surface water. In January 1998, the Department issued a No Further Action letter indicating that the soil at the National Lead site on Block 13, Lot 1.02 was remediated to unrestricted levels, meaning that soil could be moved around on the property for future construction purposes. However, the letter was conditioned due to concern regarding ground water quality. The No Further Action letter pointed out that a benzene concentration of 15 parts per billion (ppb) was found at that site, which exceeded of the Ground Water Quality Standards (GWQS) of 5 ppb for benzene. For "No Further Action" to take effect, the ground water quality had to be remediated. On November 29, 2007, NL Industries was sent a Notice of Violation (NOV) from the NJDEP Site Remediation Program directing the responsible party complete a biennial certification, referred to in the NOV as an engineering and institutional controls monitoring report. The applicant was to complete this action before the Classification Exception Area (CEA) expired. The ground water CEA serves as an institutional control by providing notice that there is ground water pollution in a localized area caused by a discharge at a contaminated site. The area and depth of ground water pollution is determined based on actual ground water contamination, as well as fate and transport modeling. The Department establishes a ground water CEA as part of a remedial action for ground water at a contaminated site when the ground water does not meet the ground water quality standards, pursuant to N.J.A.C. 7:9-6. Pursuant to the Technical Requirements for Site Remediation, N.J.A.C 7:26E, if a CEA expires due to failure to file the required biennial certification, groundwater sampling to assess the current situation is required. The aforementioned CEA has since expired; therefore the responsible party is required to sample groundwater in the CEA area to assess benzene concentration. Based on the sampling results, either the CEA may be lifted or additional modifications to the CEA may be required. These actions are to be completed prior to any permits being issued for the development of the properties included in this amendment.



**This amendment** proposal was noticed in the New Jersey Register on September 15, 2008 at 40 N.J.R.5290 (a) and again on October 6, 2008 at 40 N.J.R.5850 (a) due to a change in time of the public hearing. The public hearing on the proposed WQMP amendment, conducted by the Mercer County Planning Board, was held on Wednesday, November 12, 2008. No public comments were made at the public hearing and no comments were received during the public comment period. In accordance with the Mercer County WQMP Amendment Procedures, the Mercer County Planning Board formally endorsed the amendment in the form of Resolution No. 2008-05.

This adopted amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. 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. Baier, Director  
Division of Watershed Management  
Department of Environmental Protection

January 23, 2009  
Date