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ENVIRONMENTAL PROTECTION

WATER RESOURCES MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Mercer County Water Quality Management Plan

Public Notice

Take notice that on **January 29, 2019**, 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, the New Jersey Department of Environmental Protection (Department) adopted an amendment (Program Interest No. 435452, Activity No. AMD170002) to the Mercer County Water Quality Management (WQM) Plan and the Mercer County Wastewater Management Plan (WMP). This amendment, submitted by Van Cleef Engineering, expands the Hamilton Township Wastewater Treatment Plant's service area (SSA) by 6.36 acres to serve a proposed commercial facility identified as "Holiday Inn Express."

The proposed project consists of an 84-room hotel, 210-seat restaurant, and an indoor pool on Block 2596, Lot 8, Hamilton Township, Mercer County. Preliminary notice was published in the New Jersey Register on June 18, 2018 at 50 N.J.R. 1381(a). No comments were received during the comment period.

This amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department's determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.5 and 4.4 and serves as public notice of the Department's final decision pursuant to N.J.A.C. 7:15-3.5(g)11. Pursuant to N.J.A.C. 7:15-4.4(d), sewer service may only be provided to areas that are not identified as environmentally sensitive areas (ESAs), certain coastal planning areas, or areas subject to U.S. Environmental Protection Agency (EPA) 201 Facilities Plan grant conditions, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l).

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Pursuant to N.J.A.C. 7:15-4.4(e), ESAs are any contiguous areas, based on a composite Geographic Information System (GIS) analysis, of 25 acres or larger consisting of any of the following features alone or in combination: areas mapped as threatened and endangered wildlife species habitats as identified on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife (Landscape Maps) as Ranks 3, 4 or 5; areas mapped as Natural Heritage Priority Sites; Category One waters designated in the Department's Surface Water Quality Standards, N.J.A.C. 7:9B, based on the Department's maps of such waters and their corresponding 300-foot riparian zone based upon the Flood Hazard Area Control Act Rules, N.J.A.C 7: 13; and wetlands as mapped pursuant to N.J.S.A. 13:19A-1 and 13:9B-25.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSAs if they are not identified as ESAs, such as endangered and threatened wildlife species habitats identified pursuant to N.J.A.C. 7:15-4.4(e)1. Areas identified by the Landscape Maps as being suitable habitat for threatened and endangered species Rank 3 (State threatened), Rank 4 (State endangered), or Rank 5 (Federal endangered or threatened) are not to be included in SSAs except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as endangered and threatened species wildlife habitat pursuant to N.J.A.C. 7:15-4.4(e)1, the Department utilized its Landscape Maps, version 3.3, available at <http://www.nj.gov/dep/gis/listall.html>, and determined that there is no endangered or threatened wildlife species habitat located within the expanded SSA for this project.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSAs if they are not identified as ESAs, such as Natural Heritage Priority Sites identified pursuant to N.J.A.C. 7:15-4.4(e)2. Areas mapped as Natural Heritage Priority Sites are not to be included in SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as Natural Heritage Priority Sites pursuant to N.J.A.C. 7:15-4.4(e)2, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html> and determined that there are no Natural Heritage Priority Sites located within the expanded SSA for this project.

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Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSAs if they are not identified as ESAs, such as Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3. Areas identified as Category One waters and their corresponding 300-foot riparian zones are not to be included in SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html> and determined that there are no mapped Category One waters or corresponding 300-foot riparian zones located within the expanded SSA for this project.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSAs if they are not identified as ESAs, such as mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4. Areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html> and determined that there are no mapped wetlands located within the expanded SSA for this project.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSAs if they are not identified as coastal planning areas pursuant to N.J.A.C. 7:15-4.4(f). Areas mapped as Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas are not to be included in SSAs, except, as provided under N.J.A.C. 7:15-4.4(f)1 and 2, to abate an existing imminent public health and safety issue, to accommodate infill development or as necessary to create a linear boundary that coincides with recognizable geographic, political, or environmental features depicted in the Department's GIS coverage. To evaluate the existence of any coastal planning areas identified in N.J.A.C. 7:15-4.4(f), the Department evaluated the presence of coastal planning areas identified on the CAFRA Planning Map available at <http://www.nj.gov/dep/gis/install.html> and determined that the proposed project is not

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located within any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSAs if they are not identified as areas subject to 201 Facilities Plan grant conditions pursuant to N.J.A.C. 7:15-4.4(g). Areas with Federal 201 grant limitations that prohibit the extension of sewers into specified ESAs are excluded from SSAs, unless documentation can be provided demonstrating that a mapping waiver has been obtained from the EPA, as provided under N.J.A.C. 7:15-4.4(g). To evaluate the existence of 201 Facilities Plan grant conditions that prohibit the expansion of SSA to ESAs, the Department reviewed the EPA 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> and determined that there are no 201 Facilities Plan grant conditions applicable to the expanded SSA for this project.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department shall consider in the delineation of areas eligible for sewer service, the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans. On September 12, 2017, Hamilton Township Zoning Board of Adjustment adopted Resolution 16-11-034, which approved the project in the Research and Development Zone District with a bulk variance for the parking lot. On April 5, 2018, the Mercer County Department of Planning issued a letter stating that the proposed project is consistent with the Mercer County Master Plan.

Pursuant to N.J.A.C. 7:15-3.5(j)2, applicants for projects that propose to add 100 or more acres to the SSA, or where the additional SSA would generate 20,000 gallons per day (gpd) or more of wastewater, must perform a wastewater treatment capacity analysis to include the proposed project or activity, pursuant to N.J.A.C. 7:15-4.5(b). The proposed project would add 6.36 acres to the SSA and generate a projected wastewater flow of 13,650 gpd to be received by the Hamilton Township Wastewater

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Treatment Plant (NJPDES No. NJ0026301), based on flow calculated pursuant to N.J.A.C. 7:14A-23.3.

Therefore, no wastewater treatment capacity analysis is required for this amendment.

N.J.A.C. 7:15-3.5(g)6 requires the applicant to request a written statement of consent from all identified governmental entities, sewerage agencies, and the Board of Public Utilities-related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, adoption of this amendment. Accordingly, the Department instructed the applicant to request resolutions of support from Mercer County and Hamilton Township. On August 7, 2018, Mercer County Planning Board adopted Resolution 2018-04 in support of the proposed amendment. On June 19, 2018, Hamilton Township adopted Resolution No. 18 163, conditionally consenting to the amendment. Hamilton Township's conditional consent includes prohibition of discharge of any wastewater from the project into Hamilton Township's collection system until the receiving "NJDOT Pumping Station" and collection system has been upgraded to adequately accommodate this flow. The applicant will be required to participate, through their fair share, in the necessary efforts associated with this upgrade.

Sewer service is not guaranteed by this amendment. This amendment represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area 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.

Date January 29, 2019

SIGNED

Bruce S. Friedman, Director

Division of Water Monitoring and Standards