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**ENVIRONMENTAL PROTECTION**

**WATER RESOURCE MANAGEMENT**

**DIVISION OF WATER MONITORING AND STANDARDS**

**Adopted Amendment to the Mercer County Water Quality Management Plan**

**Public Notice**

**Take notice** that on March 6, 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. AMD170003) to the Mercer County Water Quality Management (WQM) Plan and the Mercer County Wastewater Management Plan (WMP). This amendment, submitted by the Mercer County Department of Planning on behalf of the Mercer County Park Commission, expands the sewer service area (SSA) of the Hamilton Township Water Pollution Control Facility (WPCF) by 4.08 acres for a proposed project identified as “Mercer County Park West Windsor” located at Block 23, Lots: 24 (portion), 25 (portion); and Block 25, Lots: 28 (portion), 35 (portion), 40 (portion), West Windsor Township, Mercer County.

The expanded SSA would serve the existing baseball field restroom (0.12 acres) and the existing ice rink (1.77 acres) that are currently served by septic systems; the existing ranger station restroom (0.37 acres), existing soccer field restroom (0.08 acres), existing West picnic area restroom (0.12 acres), existing marina and boathouse (1.44 acres), and existing fairgrounds facilities (0.11 acres) that are all currently served by sewers; and proposed restrooms of a future fairgrounds’ concession stand (0.07 acres). The existing facilities currently served by sewers were inadvertently omitted from the SSA when the Department adopted the Mercer County WMP on October 9, 2013. Preliminary notice was published in

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the New Jersey Register on March 5, 2018 at 50 N.J.R. 995(b) and a public hearing was held by the Mercer County Department of Planning on April 11, 2018. No comments were received during the comment period or at the hearing.

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).

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 endangered and threatened 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 zones 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-

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4.4(e)1. Areas identified by the Landscape Maps as being suitable habitat for endangered and threatened wildlife species Rank 3 (State threatened), Rank 4 (State endangered), and 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 pursuant to N.J.A.C. 7:15-4.4(e)1 as endangered or threatened wildlife species habitats, 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, 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.

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 at 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 Category One waters or corresponding 300-foot riparian zones 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 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 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/listall.html> and determined that the project is not located within a Coastal Fringe Planning Area, Coastal Rural Planning Area, or Coastal Environmentally Sensitive Planning Area.

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

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conditions that prohibit the expansion of SSAs 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. Each of the above-referenced park facilities are located within a currently-developed county park in West Windsor Township's Low Density Residential/Conservation Zone. On November 9, 2017, Mercer County issued a memorandum 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 gpd or more of wastewater, must perform a wastewater treatment capacity analysis prepared in accordance with N.J.A.C. 7:15-4.5(b) to include the proposed project or activity. While the proposed project would add 4.08 acres to the SSA, 4.24 acres are already sewered, as explained earlier, and 13,705 gallons per day (gpd) of wastewater is already being sent to the Hamilton Township WPCF; therefore, this amendment will generate an additional wastewater flow of only 7,140 gpd, based on flow calculations in accordance with N.J.A.C. 7:14A-23.3, to be received by the Hamilton Township WPCF and a wastewater treatment capacity analysis is not required for this amendment.

The Hamilton Township WPCF is currently permitted to discharge up to 16 million gallons per day (mgd) under New Jersey Pollutant Discharge Elimination System (NJPDES) permit NJ0026301. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing wastewater flow is the highest consecutive 12-month

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rolling average flow during the five-year period preceding the amendment application (October 2012 to October 2017), which was calculated to be 9.146 mgd (March 2015 to February 2016) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner (<https://www13.state.nj.us/DataMiner#>). Even if none of the project site was currently sewer, the additional flow of 20,845 gpd from the proposed project (the total projected wastewater flow from both existing and proposed components of the project) would not cause the facility to exceed its permitted capacity and no additional wastewater treatment plant capacity analysis would be 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 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 written consent or resolutions from Hamilton and West Windsor Townships and the Mercer County Executive. Hamilton Township adopted Resolution 18-113 on April 3, 2018 in support of the proposed amendment. West Windsor Township adopted Resolution 2018-R118 on April 23, 2018 in support of the proposed amendment. The Mercer County Executive submitted a letter dated May 18, 2018 supporting the proposed amendment based on Mercer County Planning Board Resolution 2018-02 adopted on May 9, 2018 in support of the proposed amendment.

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 resulting from adoption 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.

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3/6/19  
Date \_\_\_\_\_

SIGNED  
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Bruce S. Friedman, Director

Division of Water Monitoring and Standards