

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 19, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN

PUBLIC NOTICE

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 9/10/2020 pursuant to the provisions of 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 New Jersey Department of Environmental Protection (Department) adopted an amendment to the Mercer County Water Quality Management (WQM) Plan. The amendment, identified as “Daniel Popkin residence” (Program Interest No. 435452, Activity No. AMD180003) expands the sewer service area (SSA) of the Stony Brook Regional Sewerage Authority (SBRSA) by 1.66 acres to serve an existing residence and two smaller existing outbuildings on Block 46, Lot 15.02 (portion), Hopewell Township, Mercer County. The project consists of an existing five-bedroom single family home and two smaller existing structures on the property; a 1,371 square foot exercise room/spa and a 779 square foot artist studio/toolshed. The existing structures will generate a projected wastewater flow of 300 gallons per day (gpd), based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, and is to be received by the SBRSA Pennington sewage treatment plant (NJPDES Permit # NJ0035319).

Preliminary notice was published in the New Jersey Register on February 3, 2020 at 52 N.J.R. 162(a) and a public hearing was held by Mercer County, as the Designated Planning Agency, on March 11, 2020. No comments were received during the comment period or at the hearing.

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 19, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request a written statement of consent from the Stony Brook Regional Sewerage Authority and resolutions from Hopewell Township and Mercer County. The Stony Brook Regional Sewerage Authority adopted Resolution 2020-11 on February 24, 2020, consenting to the proposed amendment. Hopewell Township declined to respond to the applicant's request for a resolution. The Mercer County Planning Board adopted Resolution No. 2020-02 on May 13, 2020, and the County Executive submitted a letter approving of the proposed amendment dated May 20, 2020.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations to of 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 must update 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 project involves less than 100 acres and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment plant capacity analysis is not required.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSAs, except as otherwise provided at N.J.A.C. 7:15-4.4(i), (j), (k), and (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) , as any contiguous area of 25 acres or larger consisting of any of the following features, alone or in combination: endangered or threatened wildlife species habitat, Natural Heritage Priority (NHP) Sites, 300-foot riparian zones of Category One (C1) waters and their tributaries, or wetlands; coastal planning areas identified under N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions under 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

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 19, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN

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 expanded SSA does not contain any areas mapped as threatened and endangered wildlife species habitat Rank 3, 4 or 5 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.
- The Department determined that the expanded 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 expanded SSA does not contain any Category One (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 and N.J.A.C. 7:13-4.1(c)1 and 7:15-4.4(e)3.
- The Department determined that the expanded SSA does not contain any 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 expanded SSA does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the "CAFRA Layers" GIS layer in accordance with N.J.A.C. 7:15-4.4(f).

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 19, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN

- The Department determined that there are 201 Facilities Plan grant conditions applicable to the project site based on the U.S. Environmental Protection Agency list of New Jersey Counties with ESA grant conditions in accordance with N.J.A.C. 7:15-4.4(g). The proposed project will convey wastewater to the SBRSA Pennington Sewage Treatment Plant which is subject to a Federal ESA grant condition included in the grant agreement executed between the SBRSA and USEPA under project Number C-34-704-01. 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. A conditional grant waiver was issued by the USEPA to the SBRSA on May 14, 2019 <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2> in accordance with N.J.A.C. 7:15-4.4(g). The proposed project will convey wastewater to the SBRSA Pennington Sewage Treatment Plant which is subject to a Federal ESA grant condition included in the grant agreement executed between the SBRSA and USEPA under project Number C-34-704-01. 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 revision or grant waiver is obtained from USEPA. A conditional grant waiver was issued by the USEPA to the SBRSA on May 14, 2019.

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 or county master plans, and other local land use objectives. On December 21, 2018, the Hopewell Township Department of Community Development issued a memorandum stating that the proposed sewer connection would be consistent with the Township's zoning and master plan. On December 11, 2018, the Mercer County

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 19, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN

Department of Planning issued a letter stating that the proposed sewer connection was not inconsistent with the Mercer County Master Plan.

Sewer service is not guaranteed by adoption of this amendment since it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA 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 agencies with jurisdiction over this project/activity.

SIGNED

9/10/2020

Date

Kimberly Cenno, Bureau Chief
Bureau of Environmental Analysis, Restoration and Standards
Division of Water Monitoring and Standards