

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

DIVISION OF COASTAL AND LAND USE PLANNING

Adopted Amendment to the Northeast Water Quality Management Plan

Public Notice

Take notice that on **APR 17 2013**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4) and P.L. 2011, c.203, an amendment to the Northeast WQMP was adopted by the Department of Environmental Protection (Department). This amendment modifies the current Bernards Township Sewerage Authority Watershed Wastewater Management Plan (WMP) and the Somerset County Future Wastewater Service Area Map for that portion of the County within the Northeast WQM Planning Area.

This amendment provides for the construction of Mine Brook Road Residential Development to be located on Block 4701, Lot 2 and portions of Block 4701, Lots 3 and 24 in Bernards Township, Somerset County. The proposed project location is bounded to the south by Mine Brook Road, to the east by the Dead River and to the west by Interstate Route 287. The total project area is approximately 89 acres. The Mine Brook Road residential development is proposed to consist of 12 single-family homes and a community center. The area to be developed for the 12 proposed lots and community center would encompass a total of 30.5 acres. The projected wastewater flow from the proposed residential development, calculated in accordance with N.J.A.C. 7:14A-23.3 is 5,000 gallons per day. Generated wastewater is to be treated by an on-site wastewater treatment system,

which will discharge to groundwater (DGW). Potable water for the proposed residential development would be provided for by 12 individual on-site public wells.

As part of this adopted amendment, only the 12 proposed residential lots and the community center, to be served by the proposed sanitary treatment plant on approximately 30.5 acres, will be designated as a service area for "Mine Brook Road Development". As part of the proposed project, an area totaling approximately 58.5 acres is to be created as an Open Space / Natural Resource Conservation Easement.

This amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15-5.24 and 5.25(h). This adoption notice represents the Department's determination that this amendment is in compliance with the regulatory criteria pursuant to N.J.A.C. 7:15-5.24 and 5.25.

In accordance with N.J.A.C. 7:15-5.24(b), environmentally sensitive areas have been assessed to determine what areas are appropriately included in the proposed sewer service area. Pursuant to N.J.A.C. 7:15-5.24, environmentally sensitive areas are defined as contiguous areas of 25 acres or larger, alone or in combination, consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One (C1) special water resource protection areas, and wetlands. These environmentally sensitive areas are not included in the proposed sewer service area except as noted below.

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine areas designated as threatened or endangered species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species (Landscape Project), version 3.1. A review of the Landscape Project indicated that the project location is identified as threatened and endangered species habitat for the federally listed Indiana Bat. As part of the Department's Division of Land Use Regulation (DLUR) permit approval process, a United States Fish and Wildlife Service (USFW) evaluation was conducted. The USFW determined that in order to protect the Indiana Bat, a seasonal tree cutting restriction during the breeding/ maternity period be imposed as a condition of any DLUR issued permits for this proposed project location. Consequently, the DLUR permit issued pursuant to the NJ Flood Hazard Area Control Act (#1802-03-0017.1) contain a condition prohibiting any tree clearing activities from April 1st to September 30th of each year.

In addition, a significant portion of the existing wooded area of the site including the 50 foot riparian buffer associated with the Dead River will remain as 58.5 acre Open Space/ Conservation Easement. The majority of the portion of the project site to be developed and proposed as sewer service area is currently in agricultural use. Based on the above, the Department determined that pursuant to N.J.A.C. 7:15-5.24(g)2, the inclusion of the sewer service area for the development of the site will not impact the nesting and breeding nor decrease the likelihood of the survival and/or recovery of the species.

In accordance with N.J.A.C. 7:15-5.24 and 5.25, no portion of the proposed development on site is identified as within a Natural Heritage Priority Site, a special water resource protection area along a Category One water, or wetlands or associated buffer.

The Township of Bernards, Somerset County, New Jersey has adopted a stormwater control ordinance (Ord. No. § 21- 42.1.) in accordance with N.J.A.C. 7:8. Consequently, the requirements of N.J.A.C. 7:15-5.25(g)1 for stormwater control have been satisfied. No portion of the proposed development on site is identified as within a riparian zone as established at N.J.A.C. 7:15-5.25(g)2-5 or areas with a steep slope as required at N.J.A.C. 7:15-5.25(g)6.

Pursuant to N.J.A.C. 7:15-5.25(h)2, the Department has determined that the project has demonstrated that considering dilution available on the project site, wastewater generated from this development can be discharged on site in conformance with the nitrate planning standard of 2.0 mg/L. To meet the nitrate planning standard, the Department's nitrate dilution model projected for a discharge rate of 5,000 gpd within non-hydric soils on site, approximately 21 acres of pervious area are required to remain to provide the necessary dilution. The submitted approved site plans confirmed that 21 acres of the proposed project, not delineated as wetlands and/or containing hydric soils are to be deed restricted as open space and thus will maintain as pervious area.

To provide potable water to the proposed development, the proposed project will utilize 12 privately owned wells associated with the individual parcels. All of the proposed wells are to be located within the Upper Passaic River (above Pine Brook) watershed (HUC11). The proposed wastewater treatment system will discharge effluent back to groundwater within this same HUC11 watershed proportionate to the projected volume of potable water withdrawn; accordingly, potential depletive/consumptive impacts have been addressed.

This amendment proposal was noticed in the Department Bulletin on January 23, 2013 at Volume 37, Issue 2, and no comments were received during the comment period.

Adoption of this amendment does not eliminate the need for any permits, approvals, or certifications required by any Federal, State, county, or municipal review agency with jurisdiction over any project/activity. Further, adoption of this amendment does not provide any implied approval for any other aspects of any project or needed permits and approvals.



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4/17/13
Date