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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Northeast Water Quality Management Plan

Public Notice

Take notice that on **March 16,2020**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-11A-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 (Program Interest No. 435442, Activity No. AMD190007) to the Northeast Water Quality Management (WQM) Plan. The amendment expands the sewer service area (SSA) of the Bernards Township Sewerage Authority (BTSA) by 2.9 acres to serve a proposed development on Block 11301, Lot 1 (portion), Bernards Township, Somerset County. The proposed project, identified as "Mountain View Sewer Service Area- Bernards Twp," consists of residential development of residential market rate and affordable housing units and would generate a projected wastewater flow of 8,700 gallons per day (gpd) to be received by the Harrison Brook Sewage Treatment Plant (STP) (NJPDES No. NJ0022845), based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. This portion of the property is immediately adjacent to the existing SSA. Preliminary notice of this amendment was published in the New Jersey Register on January 6, 2019, at 52 N.J.R. 76(a) and the Department received no comments during the public 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 applicable regulatory criteria as described below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications 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 will add less than 100 acres and will generate less than 20,000 gpd of wastewater; therefore, update of the wastewater treatment capacity analysis is not required. In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from Bernards Township and Somerset County. A statement of consent from a governmental entity must be in the form of a resolution adopted by the entity's governing body. Bernards Township Sewerage Authority passed resolution #2019 giving its consent for the proposed amendment on January 14, 2020. The Somerset County Planning Board issued a resolution on February 19, 2020, consenting to the amendment.

In accordance with N.J.A.C. 7:15-3.5(h), applicants for proposed amendments in the Highlands Region must simultaneously submit the amendment application to both the Department and the Highlands Council. The areas proposed for sewer service are located within the Highlands Planning Area portion of Bernards Township, which is not a Highlands conforming municipality as defined at N.J.A.C. 7:15- 1.5. The Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the Regional Master Plan (RMP) and issued a letter that was received by the Department on March 20, 2019 stating that the project is located in the Existing Community Zone of the Planning Area, therefore an Executive Order 114 (2008) review was not required to deem this project consistent with the RMP.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSA, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitat, Natural Heritage Priority

Sites, 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 and compared to the Department's GIS data layers 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) through (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 Ranks 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 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 N.J.A.C. 7:15-4.4(e)3.
- The Department determined that there are wetlands located on the project site based on the "Wetlands 2012" GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4. However, pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI): Line Verification File #1802-12-0008.1 FWW170001 confirming that there are no wetlands within the expanded SSA.

- The Department determined that the expanded SSA does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the “CAFRA Layers” GIS layer in accordance with 7:15-4.4(f).
- The Department determined that there are 201 Facilities Plan grant conditions applicable to the project site based on the USEPA 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> in accordance with N.J.A.C. 7:15-4.4(g). The proposed project will convey wastewater to the Harrison Brook STP, which is subject to a Federal ESA grant condition included in the grant agreement executed between the BTSA and USEPA under project Number C-34-382. 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. Based on the Freshwater Wetlands LOI mentioned earlier and Federal Emergency Management Agency (FEMA) 100-year floodplain maps, the Department has determined that there are no sewage-generating structures located within wetlands [or floodplains, etc.] located on the project site.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department considered the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans and determined that the expanded SSA is consistent with land uses allowed by local zoning and the county and local master plans.

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 agency with jurisdiction over this project/activity.

3/16/2020

Date

SIGNED

Bruce S. Friedman, Director

Division of Water Monitoring and Standards