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ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Tri-County Water Quality Management

Public Notice

Take notice that on **November 13, 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 Tri-County Water Quality Management (WQM) Plan. The amendment, identified as “Rising Sun Meadows” (Program Interest No. 435433, Activity No. AMD180002) would expand the sewer service area (SSA) of the Blacks Creek Wastewater Treatment Plant (WWTP) (New Jersey Pollution Discharge Elimination System (NJPDES) Permit No. NJ0024678) by 4.5 acres on Lot 43 to fully serve a proposed residential development located on Block 138.01, Lots 42 and 43, Bordentown Township, Burlington County. The proposed project includes a total of 59 townhomes, a clubhouse and 168 apartments with a total flow projection of 51,984 gallons per day (gpd), most of which is currently within the adopted SSA. Of the total project, 17 three-bedroom townhomes, 26 two-bedroom apartments, 14 one-bedroom apartments and a swimming pool will be in the expanded SSA and would generate a projected wastewater flow of 13,284 gpd, calculated in accordance with N.J.A.C. 7:14A-23.3. Preliminary notice of this amendment was published in the New Jersey Register on April 20, 2020 at 52 N.J.R. 939(b). No comments were received during the comment period. This notice represents the Department’s determination that the amendment is compliant with the applicable regulatory criteria at N.J.A.C 7:15, 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

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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 proposed project involves less than 100 acres and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment 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 endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, 300-foot riparian zones of Category One (C1) waters and their upstream tributaries situated within the same HUC 14 watershed, 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 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 Endangered or Threatened 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.

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- 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 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 #0304-17-0004.1 FWW170001 confirming that there are no wetlands within the expanded SSA.
- The Department determined that the expanded SSA does not contain any areas mapped as Fringe Planning Areas, Rural Planning Areas, or Environmentally Sensitive Planning Areas within the Coastal Area Facility Review Act (CAFRA) zone based on the “CAFRA (polygon)” GIS layer and the “State Plan Data” 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 United States Environmental Protection Agency (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 Blacks Creek WWTP of the Bordentown Sewage Authority which is subject to a Federal ESA grant condition included in the grant agreement executed between the Bordentown Sewage Authority and USEPA under project Number C-34-607-02. 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

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waiver is obtained from USEPA. A conditional grant waiver was issued by the USEPA to the Bordentown Sewage Authority on August 21, 2019.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department considered the land uses allowed in zoning ordinances, future land uses shown in municipal or county master plans, and other local land use objectives. The Bordentown Township Committee adopted Ordinance #2018-21 on July 23, 2018 that allows an AH-1 affordable housing overlay zone on the project site. The Department of Resource Conservation of Burlington County, on behalf of the Board of Chosen Freeholders, issued a letter dated October 7, 2019 stating that although Burlington County does not have a Master Plan, the project was reviewed by the Burlington County Planning Board and was approved with conditions on October 15, 2018.

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 Bordentown SA, Delaware Valley Regional Planning Commission (DVRPC), Cumberland County Board of Chosen Freeholders and Bordentown Township. No response was received from the Bordentown SA. On April 22, 2020, the Department received an email from DVRPC stating they are no longer issuing statements of consent. On June 10, 2020, the Burlington County Board of Chosen Freeholders adopted Resolution 2020-00245 consenting to the proposed amendment. Bordentown Township did not pass a resolution regarding the proposed amendment.

Sewer service is not guaranteed by 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.

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Date __11/13/2020__

_____ SIGNED _____

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