

ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

Adopted Amendment to the Upper Delaware Water Quality Management Plan

Public Notice

Take notice that on **JAN 11 2016**, pursuant to the provisions of the New Jersey Water Quality Management Planning Act, N.J.S.A. 58:11A-1 et seq., the New Jersey Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), and P.L. 2011, c. 203 as amended and supplemented by P.L. 2013, c. 188, an amendment (PI# 435437; Activity# AMD150001) to the Upper Delaware Water Quality Management Plan (WQM) Plan was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of Sustainable Aquaculture Systems, Inc., modifies the Hunterdon County Wastewater Management Plan, including the Future Wastewater Service Area Map, to identify a new discharge to groundwater sewer service area (SSA) of approximately 6.4 acres on a portion of Lots 21 and 23 of Block 49, in Franklin Township, Hunterdon County. The new SSA accommodates a development proposed by Sustainable Aquaculture Systems, consisting of indoor fish and plant production facilities, as well as a research facility, and other site improvements, in all totaling 205,000 square feet in area and employing 80 individuals. Wastewater planning flows were projected based on the criteria at N.J.A.C. 7:14A-23.3 and amount to a total of 18,000 gallons per day (GPD) – 2,000 GPD sanitary wastewater and 16,000 GPD process wastewater. The sanitary wastewater is proposed to be discharged to three on-site septic systems. The process wastewater is proposed to be treated by an on-site system and discharged to groundwater via a subsurface disposal system. The project will require a NJPDES groundwater discharge permit.

This amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and P.L. 2011, c. 203 as amended and supplemented by P.L.

2013, c. 188. This notice represents the Department's determination that the amendment is in compliance with the regulatory criteria pursuant to N.J.A.C. 7:15-5.24.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas (ESAs) have been assessed to determine what areas of the project site are appropriate for inclusion in the SSA. Pursuant to N.J.A.C. 7:15-5.24(b), ESAs are defined as contiguous areas of 25 acres or larger 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, alone or in combination.

In accordance with N.J.A.C. 7:15-5.24(b)1, to identify 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, version 3.1. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), 4 (State endangered), and 5 (Federal endangered or threatened) are not to be included in SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the project site determined that T&E species habitat are located both on site and within a portion of the requested SSA. However, pursuant to N.J.A.C. 7:15-5.25(e), the applicant submitted a request to the Department for a Habitat Suitability Determination. In response to that request, the Department, based in part on a site visit conducted on July 7, 2015, concluded the following: 1) the site falls within the likely home range of T&E species; 2) some of the on/off site freshwater wetlands feature habitat characteristics are consistent with that supporting T&E species; 3) portions of the easterly extension of the footprint of SSA contain a portion of the buffers associated with the aforementioned freshwater wetlands; 4) the buffer areas represent edge areas of T&E habitat; and 5) the remaining majority of the footprint of SSA does not provide suitable habitat for T&E. As such, it is believed that the buffer area within the easterly portion of the footprint of SSA is not critical to survival of

T&E species and that sufficient protection will be provided to onsite habitat features through the requirements of the Freshwater Wetlands Protection Act.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the project site has determined that no Natural Heritage Priority Sites exist on site.

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along Category One waters and their tributaries are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). The Department has determined that no special water resource protection areas along Category One waters or their tributaries exist on the site.

In accordance with N.J.A.C. 7:15-5.24(b)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. 7:15-5.24(e) – (h). The provisions of N.J.A.C. 7:15-5.24(b)4, have been satisfied as there are no wetlands or transition areas within the SSA.

Pursuant to N.J.A.C. 7:15-5.24(c), Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Areas shall be excluded from SSA. There are no such areas on the project site.

Pursuant to N.J.A.C. 7:15-5.24(d)1, areas with Federal 201 grant limitations that prohibit the extension of sewers into specified environmentally sensitive areas are excluded from the SSA. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities), which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this amendment and compliance is required. Review did not reveal any Federal 201 grant limitations applicable to the site.

In addition to the environmentally sensitive areas with Federal 201 grant limitations there are other special restricted areas, not applicable here, which must also be excluded from SSA pursuant to N.J.A.C. 7:15-5.24(d)2 through 4. Specifically, there are no beaches, coastal high hazard areas, or dunes on the project site.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. These issues may include, but are not limited to, the following: compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works; development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules. Approval 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 this project/activity.

Sewer service to any particular project is subject to contractual arrangements between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.



Colleen Kokas, Director
Office of WRM Coordination
Department of Environmental Protection



Date