

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE May 6TH NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Upper Delaware Water Quality Management Plan

Public Notice

Take notice that on **April 3, 2019**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Statewide 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. 435437, Activity No. AMD180001) to the Upper Delaware Water Quality Management (WQM) Plan and Washington Township, Warren County Wastewater Management Plan (WMP). This amendment expands the sewer service area (SSA) of the Oxford Area Wastewater Treatment Plant by 28.7 acres to serve a proposed residential development on Block 28, Lots 5.01-5.08, Washington Township, Warren County. The proposed project, identified as “Washington Valley Estates”, includes 27 residential units: twenty-three market rate, single-family residential units and four Affordable Housing units and would generate a projected wastewater flow of 8,100 gallons per day (gpd) to be received by the Pequest River Municipal Utilities Authority (PRMUA) Oxford Area Wastewater Treatment Plant (WTF), NJPDES No. NJ0035483, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. The Department determined that there are no environmentally sensitive areas (i.e. wetlands, Category 1 waters, Natural Heritage Sites, or endangered and threatened species wildlife habitat) located within the expanded SSA. Preliminary notice of this amendment was published in the New Jersey Register on December 3, 2018 at 50 N.J.R. 2433(a). No comments were received 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 regulatory criteria at N.J.A.C. 7:15-3.3, 3.5, 4.4 and 4.5, as described below.

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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. This amendment 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 PRMUA, Washington Township, Oxford Township, and Warren County. A statement of consent from a governmental entity must be in the form of a resolution adopted by the entity's governing body. PRMUA's Commissioners adopted Resolution # 19-12 on February 19, 2019 approving the amendment. Washington Township adopted Resolution #2019-51 on February 19, 2019 approving the amendment. Oxford Township adopted Resolution 2019-28 on February 27, 2019 approving the amendment. The Warren County Board of Chosen Freeholders adopted Resolution 98-19 on February 27, 2019 approving the amendment.

In accordance with N.J.A.C. 7:15-3.5(h), applicants for proposals in the Highlands Region must simultaneously submit the application to both the Department and the Highlands Council to provide an opportunity for the Highlands Council to submit comments prior to the Department rendering a decision on the application. The proposed project is located within the Highlands planning area portion of Washington Township, which is not a Highlands conforming municipality as defined at N.J.A.C 7:15-1.5 since it has not had its Regional Master Plan (RMP) conformance petition approved by the Highlands Council or adopted a planning area conformance petition ordinance and land use ordinance amendments consistent with that approval. The Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the RMP and issued a letter received by the Department on

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In accordance with N.J.A.C. 7:15-4.4(c)3, in the Highlands planning areas, for municipalities that do not conform with the Highlands Regional Master Plan, areas eligible for sewer service shall conform to 4.4(d) and (h). 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) 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 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 endangered and threatened 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

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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 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, 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 no 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).

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. This determination is supported by the resolutions adopted by Washington Township, Oxford Township, and Warren County.

Sewer service is not guaranteed by this amendment. This amendment represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA as a result of the approval 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.

4/3/2019

Date

SIGNED _____

Bruce S. Friedman, Director
Division of Water Monitoring and Standards