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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Proposed Amendment to the Upper Delaware Water Quality Management Plan

Public Notice

Take notice that on **April 14, 2021**, 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 Upper Delaware Water Quality Management (WQM) Plan and modifies the Borough of Bloomsbury and Hunterdon County Wastewater Management Plans. This amendment, identified as “Bloomsbury Mets” (Program Interest No. 435437, Activity No. AMD180002) establishes a new 4.5-acre on-site discharge to ground water (DGW) sewer service area (SSA) on Block 32, Lot 1.01, Bloomsbury Borough, Hunterdon County. The proposed project is located along State Highway 173 and includes an existing convenience store with 16 fueling stations and a proposed new 50-seat restaurant. As calculated in accordance with N.J.A.C. 7:9A, the total projected wastewater flow, from both the existing development and the proposed restaurant, is 4,066 gallons per day (gpd), to be regulated under a New Jersey Pollution Discharge Elimination System (NJPDES) permit.

Preliminary notice of this amendment was originally published in the February 18, 2020 New Jersey Register at 52 N.J.R. 354(a), announcing a public hearing to be held on March 20, 2020. The hearing was not held on that date. As a result, a second notice was published in the New Jersey Register at 52 N.J.R. 1029(a) on May 4, 2020, announcing that the public hearing was rescheduled to be held on June 5, 2020. However, due to COVID-19 restrictions put in place, the public hearing was not held. Subsequently, the public hearing was rescheduled, the proposed amendment was re-noticed on December 7, 2020 at 52 N.J.R. 2140(a) and a

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virtual hearing was held on January 22, 2021. No changes were made to the project since the original notice. No comments were received during the public comment period or public hearing. 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 proposed alterations to the eligible sewer service area 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 flow 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 would generate less than 20,000 gpd of wastewater; therefore, update of the wastewater treatment capacity analysis is not required. The Department's Bureau of Nonpoint Pollution Control, which is responsible for issuing NJPDES Discharge to Ground Water permits, will ensure that the proposed treatment plant is built to adhere to all applicable ground water quality standards.

The project is located within an Existing Community Zone of the Highlands preservation area. Bloomsbury Borough is entirely within the Highlands preservation area and is conforming to the Highlands Regional Master Plan (RMP). The Highlands Council adopted a Resolution designating the project site as a Highlands redevelopment area on June 15, 2017 (Resolution 2017-7).

An expansion or creation of public wastewater collection systems in the Highlands preservation area is prohibited unless approved through an exemption or a Highlands Preservation Area Approval (HPAA) with waiver from the Department. The Highlands Council reviewed the proposed amendment for consistency with the Highlands RMP and issued a letter dated January 3, 2019 conditionally deeming the proposed amendment consistent with the expectation that the HPAA with waiver from the Department, discussed below, would be forthcoming. Additionally, the Highlands Council provided the following

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conditions as part of their consent: continued monitoring of subsurface conditions of the carbonate bedrock to allow the maximized use of low-impact development for stormwater management and placement of a conservation restriction on the remainder of the undeveloped property. This amendment will be issued concurrently with the HPAA with waiver, which includes a requirement for a conservation restriction on the remainder of the property.

Pursuant to N.J.A.C. 7:15-4.4(c)1, areas in the Highlands preservation area are eligible for sewer service, as stated in N.J.A.C. 7:38-2.6, if they are approved in accordance with an HPAA with waiver in accordance with N.J.A.C. 7:38-6. An application for an HPAA with waiver was received by the Department on March 23, 2018 (Permit No. 1003-17-0001.1, SHR 180002). The Department's Division of Land Use Regulation has determined that the project qualifies for an HPAA with waiver under N.J.A.C. 7:38-6.

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 new SSA is consistent with land uses allowed by local zoning and the county and local master plans.

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 the Delaware River Basin Commission, New Jersey Highlands Council, Bloomsbury Borough and the Hunterdon County Board of Chosen Freeholders. The Highlands Council cited the January 3, 2019 letter conditionally consenting to the project. On March 26, 2019, Bloomsbury Borough adopted Resolution #26-19 consenting to the amendment. On March 3, 2020, the Board of Chosen Freeholders, adopted Resolution #2020-191 consenting to the amendment. No response was received from the Delaware River Basin Commission.

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 sewer service area resulting from adoption of this amendment does not eliminate the need to obtain all necessary permits,

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approvals or certifications required by any Federal, State, county or municipal review agency with jurisdiction over this project/activity.

4/14/2021

Date

SIGNED

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