

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION**

Adopted Amendment to the Upper Raritan Water Quality Management Plan

JUN 04 2015 **Public Notice**

Take notice that on _____ the New Jersey Department of Environmental Protection (Department) has adopted an amendment to the Upper Raritan Water Quality Management (WQM) Plan. This amendment titled, "Old Church Road Subdivision", submitted on behalf of PK Environmental, would expand the sewer service area (SSA) of the Somerset Raritan Valley Sewerage Authority treatment facility in order to serve a proposed project consisting of a 9-lot residential subdivision that would generate a sewage flow of 2,700 gallons per day located in Warren Township, Somerset County on Block 96, Lot 20.

This amendment has been reviewed in accordance with the Water Quality Management Planning rules that set the environmental standards to be applied to an amendment at N.J.A.C. 7:15-5.18, N.J.A.C. 7:15-5.24 and N.J.A.C. 7:15-5.25, as modified by P.L. 2011, c. 203 and P.L. 2013, c. 188.

This adopted amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15, as modified by P.L. 2011, c. 203 and P.L. 2013, c. 188. This preliminary notice represents the Department's determination that the adopted amendment is in compliance with the regulatory criteria.

In accordance with N.J.A.C. 7:15-5.24(b), environmentally sensitive areas have been assessed to determine what areas are appropriately included in the proposed sewer service area. Pursuant to N.J.A.C. 7:15-5.24, environmentally sensitive areas are defined as contiguous areas of 25 acres or larger, alone or in combination, 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. These environmentally sensitive areas are not included in the proposed sewer service area except as noted below.

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine 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 (Landscape Project), version 3.1. A review of the Landscape Project indicated that the project location is identified as threatened and endangered species habitat for the wood turtle, red-headed woodpecker, great blue heron, and cooper's hawk. However, pursuant to N.J.A.C. 7:15-5.26, a habitat suitability determination was performed by the Department which found that the current conditions at this project location are not suitable for the aforementioned species.

In accordance with N.J.A.C. 7:15-5.24(b)2 through 4, (c) and (d), no portion of the proposed SSA for the development on site is identified as within a Natural Heritage Priority Site, a special

water resource protection area along a Category One water, wetlands or associated buffer, coastal planning area, coastal resource, or an environmentally sensitive area limited by Federal 201 grant restrictions. These environmentally sensitive areas are not included in the proposed sewer service area except as noted below.

In accordance with N.J.A.C. 7:15-5.24(b)4, to determine areas designated as wetlands, the Department utilized the Department's "Wetlands 2007" map. There are no wetlands present within the boundaries of the proposed sewer service area or in the transitional zone of 150 feet. Further, pursuant to N.J.A.C. 7:15-5.24(e)2 a Letter of Interpretation was completed and the wetland boundaries depicted in the application are accurate.

In accordance with N.J.A.C. 7:15-5.25(h)1, a build-out analysis was conducted to identify future projected flow for all new proposed wastewater generating structures and/or activities. Application of the appropriate criteria at N.J.A.C. 7:14A-23.3 for these various new wastewater generating activities results in a projected wastewater flow of 2,700 gpd. Currently the Somerset Raritan Valley Sewage Authority (SRVSA) is permitted to discharge 24.3 million gallons per day (MGD) of treated wastewater to the Raritan River under NJPDES permit number NJ0024864. The average of the last twelve months of discharge monitoring data shows that SRVSA has an average daily discharge of 15.74 MGD. The additional 0.0027 MGD wastewater that will be generated from this amendment will not cause the SRVA to exceed its permitted capacity.

In accordance with N.J.A.C. 7:15-5.25(h)3, the Department evaluated the water supply availability for the proposed project. New Jersey American Water has a water supply allocation of 6761.500 MGM with a surplus of 979.265 MGM (as of February 2015). The proposed water demand of the project, calculated in accordance with N.J.A.C. 7:15-5.25(f)1i, is 132,525 GPM; therefore sufficient water supply is available to serve the proposed development within the existing water allocation permit.

To demonstrate compliance with non-point source pollution control pursuant to N.J.A.C 7:15-5.25(h)4, the Department confirmed that the Township of Warren Somerset County, New Jersey has adopted a stormwater control ordinance (Ord. #15-10B) in accordance with N.J.A.C. 7:8. Therefore, a review for compliance with the Stormwater Management rules is required to be conducted under the township's authority. Consequently, the requirements of N.J.A.C. 7:15-5.25(g)1 for stormwater control have been satisfied.

To demonstrate compliance with non-point source pollution control pursuant to N.J.A.C 7:15-5.25(h)5, the Department has confirmed that no new development is proposed with a riparian zone as required at N.J.A.C. 7:15-5.25(g)2.

To demonstrate compliance with non-point source pollution control pursuant to N.J.A.C 7:15-5.25(h)6, the Department has confirmed that no portion of the proposed development is located within a steep slope as required at N.J.A.C. 7:15-5.25(g)6.

The adopted amendment was noticed in both the Department Bulletin (Volume 39 Issue 7, pages 12-14) and The Star Ledger on April 1, 2015. Comments and statements of non-consent on this

amendment were received from Somerset County Planning Board on May 19, 2015, Mr. Walter C. Lane provided comments and statements of objection to this amendment and are summarized below with the Department's responses.

Comment: The Somerset County Planning Board will not endorse this amendment at this time. The County feels that this amendment is inconsistent with the Warren Township Open Space/Conservation Plan Element and the Somerset County Investment Framework Map as this parcel has been identified as a proposed open space and conservation area as well as a "Priority Preservation Investment Area".

Response: The Department has contacted the County and both the Department and the County acknowledges that there are inconsistencies with the Township's and County's Master Plans. Further, the County has agreed that their plan is only a broad brush and will work with the Township to address inconsistencies pertaining to this amendment.

This adopted amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. Additional issues which may need to be addressed 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 (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.



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



Date

