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PUBLIC NOTICE

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Mercer County Water Quality Management Plan

Public Notice

Take notice that on September 28, 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 Mercer County Water Quality Management (WQM) Plan. This amendment, identified as Ohm Amrutam (Program Interest No. 435452, Activity No. AMD200001), designates approximately 15.3 acres as a discharge to ground water (DGW) sewer service area (SSA) within portions of Block 19, Lots 3 and 25, Robbinsville Township, Mercer County. The project property is approximately 64.8 acres. Approximately 15.3 acres of the project property are to be sub-divided into twelve individual home lots. The residential development is to consist of 12, 5-bedroom single family homes, to be served by an onsite DGW wastewater treatment system. As calculated in accordance with N.J.A.C. 7:9A-7.4, the project will generate a projected wastewater flow of 9,600 gallons per day (gpd).

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Preliminary notice of this amendment was published in the New Jersey Register on June 21, 2021, at 53 N.J.R. 1118(a) and a public hearing was held by Mercer County, as the Designated Planning Agency, on August 11, 2021. 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. 7:15-3.5(g)6, the Department instructed the applicant to request a written statement of consent from Robbinsville Township. On August 12, 2021, the Township passed resolution no. 2021-193 consenting to the project. In accordance with the Mercer County adopted amendment procedures, the Mercer County Planning Board adopted Resolution No. 2021-04 on September 9, 2021, and the County Executive submitted a letter to the Department, dated September 13, 2021, approving of the proposed amendment and recommending Department approval. In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alternations to 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 flow shall include a proposed modification to 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. As the project will be served by a new onsite DGW wastewater treatment system a wastewater treatment plant capacity analysis is not required. However, the proposed DGW system will be required to seek a New Jersey Pollutant Discharge Elimination System (NJPDES) DGW individual permit regulated under the Department's

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Bureau of Ground Water, Residuals and Permit Administration. At that time, the applicant shall demonstrate compliance with Ground Water Quality Standards, N.J.A.C. 7:9C, through the permitting process.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSA, except as otherwise provided at N.J.A.C. 7:15-4.4(i), (j), (k) and (l): environmentally sensitive areas (ESAs) identified pursuant to N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of any of the following, alone or in combination: 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 pursuant N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions pursuant to 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:

- In accordance with N.J.A.C. 7:15-4.4(e)1, the Department determined that a 3-acre portion of the new SSA contained areas mapped as potential endangered and threatened wildlife species habitat as identified on the Department's Landscape Maps of Habitat of Endangered, Threatened or Other Priority Wildlife "Landscape Project Data" Version 3.3 GIS data layers for Rank 3 (Wood Turtle) and Rank 4 (Bobcat) habitat. In accordance with N.J.A.C. 7:15-4.4(j)2,

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the applicant submitted a Habitat Impact Assessment (HIA) dated June 24, 2020, prepared by DuBois Associates pursuant to N.J.A.C. 7:14-4.7. The Department reviewed the HIA and concurred with the findings of the report that the project property does not feature suitable habitat for the identified species.

- The Department determined that the new 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.
- Based on the “Surface Water Quality Standards” GIS data layer in accordance with N.J.A.C. 7:13-4.1(c)1 and 7:15-4.4(e)3, the Department determined that a portion of the project property was within the 300-foot riparian zone associated with an on-site water feature which drains to the Assunpink Creek, a designated C1 water and is within the same HUC 14 watershed of this waterbody. However, as part of the review associated with a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification (No. 1112-15-0007.1/FWW150001), issued on July 6, 2016, the Department determined that the man-made feature is a ditch that did not extend as far onto the project property as the GIS data depicted. In addition, it was determined that the ditch is not regulated under N.J.A.C. 7:13, the Flood Hazard Area Control Act Rules, and as such, no 300-foot riparian buffer zone was associated with the feature.
- 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 Freshwater Wetlands LOI/Line Verification

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(No. 1112-15-0007.1/FWW150001) confirming that there are no wetlands within the new SSA.

- The Department determined that the new 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 N.J.A.C. 7:15-4.4(f).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project based on the U.S. Environmental Protection Agency 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 adopted zoning ordinances, future land uses shown in adopted municipal and county master plans, and other local land use objectives. On October 16, 2019, Robbinsville Township Planning Board adopted Resolution No. PB2019-17 granting preliminary and final major subdivision approval for the proposed project.

Sewer service is not guaranteed should this amendment be adopted as it 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

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

9/28/2021

Date

SIGNED

Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Division of Watershed Protection and Restoration

NJ Department of Environmental Protection