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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LAND MANAGEMENT**

### **DIVISION OF WATERSHED PROTECTION AND RESTORATION**

#### **Adopted Amendment to the Tri-County Water Quality Management Plan**

**Take notice** that on September 22, 2022, 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 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). The amendment, identified as Hilton West Windsor (Program Interest No. 435452, Activity No. AMD210002), expands the sewer service area (SSA) of the Stony Brook Regional Sewerage Authority (SBRSA) River Road Sewage Treatment Plant (STP), NJPDES No. NJ0031119, by 21.23 acres to serve a proposed residential development on a portion of Block 37, Lot 7 in West Windsor Township, Mercer County. The proposed project consists of 88 age-restricted residential units with a clubhouse, recreation center, and pool. The project will generate a projected wastewater flow of 21,210 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

Preliminary notice was published in the New Jersey Register on June 6, 2022, at 54 N.J.R. 1097(a) and a public hearing was held by Mercer County, as the Designated Planning Agency, on July 13, 2022. No comments were received during the comment period. This notice

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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 the Stony Brook Regional Sewerage Authority and West Windsor Township. The Stony Brook Regional Sewerage Authority adopted Resolution 2022-046 on June 27, 2022, consenting to the proposed amendment. West Windsor Township adopted Resolution 2022-R160 on July 11, 2022, consenting the proposed amendment. In accordance with the Mercer County adopted amendment procedures, the Mercer County Planning Board adopted Resolution No. 2022-02 on August 10, 2022, and the County Executive submitted a letter to the Department, dated August 17, 2022, 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 alterations to the eligible SSAs 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. The proposed project involves less than 100 acres but would generate a projected wastewater flow of more than 20,000 gpd and, thus, is subject to the wastewater capacity analysis requirement. The purpose of the modification is to update the existing wastewater treatment capacity analysis in order to determine whether the SBRSA River Road STP has the capacity to service the project, in addition to, its currently approved SSA. An

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updated analysis was submitted for the SBRSA River Road STP. The analysis found that there was an additional 0.0417 million gallons per day (mgd) of projected wastewater from approved amendments to the Mercer County WMP since the capacity analysis contained in the adopted WMP was completed. This additional wastewater flow results in a projected total wastewater flow of 18.404 mgd from the SBRSA River Road STP SSA once full build-out is achieved. The SBRSA River Road STP is currently permitted to discharge up to 13.06 mgd pursuant to NJPDES Permit No. NJ00311119. At this time, SBRSA River Road STP has capacity to accommodate the additional flow from the proposed project; however, a potential future wastewater treatment capacity deficit of 5.234 mgd had already been identified for the SBRSA River Road STP, and the addition of this project into the SSA will increase that future deficit, however, at this time, the SBRSA River Road STP has capacity for this project without the need for an expansion.

SBRSA owns and maintains three pumping stations and associated interceptors and force mains. Each municipality served by SBRSA owns and maintains their respective sewer systems. The SBRSA has expressed a commitment to improve the facility and evaluate the need for additional capacity in cooperation with the municipalities and the Mercer and Middlesex County Planning Boards, when necessary. It is anticipated that SBRSA will perform the required antidegradation analysis and evaluate the proposed level of treatment required to comply with State and Federal water quality standards at that time. At such time as an expansion is proposed, amendment of the WQM Plan, in accordance with N.J.A.C. 7:15-3.2(c), will be required.

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), (j), (k), and (l): environmentally sensitive

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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 at 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:

- The Department determined that the expanded SSA does not contain any areas mapped as endangered or threatened wildlife species habitat Rank 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

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watershed of any C1 waters 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 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, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File # 1113-19-0002.1 FWW190001 confirming that there are no wetlands within the expanded SSA.
- The Department determined that the expanded 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 (USEPA) list of New Jersey Grantees 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. The project received preliminary/final major site plan approval from West Windsor Township on December 8, 2021. The Mercer County Planning

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Department issued a letter dated August 16, 2021, stating that the project is consistent with the land uses identified in the Mercer County Master Plan.

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 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.

9/22/2022

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