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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED & LAND MANAGEMENT

OFFICE OF POLICY AND TECHNICAL DEVELOPMENT

Adopted Amendment to the Upper Raritan Water Quality Management Plan

Take notice that on December 16, 2024, 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 Raritan Water Quality Management (WQM) Plan. The amendment, identified as “Hillsborough Glen Gery Subdivision”, also known as “M&M Realty”, (Program Interest No. 435434, Activity No. AMD190005) expands the sewer service area (SSA) of the Somerset Raritan Valley Sewage Authority (SRVSA) (NJPDES No. NJ0024864) Sewage Treatment Plant (STP) by an additional 58 acres to accommodate 198 single family home (SFH) lots of the future 380 SFH development located on portions of Block 182, Lot 9, 11.01, and Block 183, Lot 38.02, in Hillsborough Township, Somerset County. Portions of the project site were already in the SRVSA SSA and were not the subject of this amendment. The portion of the proposed project that is the subject of this amendment will generate a projected 59,400 gallons per day (gpd). The total project will generate a projected wastewater flow of 114,000 gpd based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. Additionally, 4 acres of the project site

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that were in the adopted SSA have been removed from the SSA with this amendment due to the presence of Environmentally Sensitive Areas (ESAs) as discussed below.

Preliminary notice was published in the New Jersey Register on April 15, 2024, at 56 N.J.R. 618(a). No comments were received during the comment period. This notice represents the Department's determination that the amendment is compliant with the 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 written statements of consent from Hillsborough Township, SRVSA, Hillsborough Township Municipal Utilities Authority (HTMUA), Delaware and Raritan Canal Commission (DRCC) and the Somerset County Board of County Commissioners. Hillsborough Township adopted Resolution 148-2024 on April 30, 2024, consenting to the amendment. The SRVSA adopted Resolution 24-0722-1 on July 22, 2024, consenting to the amendment. Somerset County consented to the amendment in a Resolution dated May 21, 2024. The HTMUA adopted Resolution 24-0626-06 on June 26, 2024, consenting to the amendment. The DRCC adopted Resolution 2024-03 at a meeting held August 21, 2024, stating it does not object to the amendment.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to alterations 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 adding 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 purpose of the modification is to demonstrate whether SRVSA has the available capacity to serve the project. The SRVSA STP is currently permitted to discharge up to 23 million

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gallons per day (mgd) pursuant to NJPDES Permit No. NJ0024864. The WQM Plan currently identifies the expansion of the STP to 24.31 mgd. The anti-degradation studies have been completed and approved for the expansion. In accordance with N.J.A.C. 7:15- 4.5(b)1, the existing wastewater flow at the SRVSA STP is the highest consecutive 12-month rolling average during the preceding five-year period, which was calculated to be 23.369 mgd (February 2023 thru January 2024) based on NJPDES Discharge Monitoring Reports in DEP Data Miner (<https://njems.nj.gov/DataMiner>). The SRVSA STP flow is significantly impacted by wet weather flows conveyed to it from its participant municipal collection systems, thus during periods of excessive wet weather flows, sanitary sewer overflows may occur. The SRVSA has executed an Administrative Consent Order with the Department to construct facilities to permanently eliminate these occurrences. In addition, as an interim solution, the construction of a Storm Control Treatment Facility (SCTF) (NJPDES No. NJ0247561) has been completed. While expanding the STP facility, SRVSA is offsetting the effluent by diverting flow to the SRVSA SCTF (NJPDES No. NJ0247561). Flows conveyed to this facility are all accounted for as part of the SRVSA permitted flow. The SCTF is intended for intermittent use during peak flow periods and operates in tandem with SRVSA's primary STP (NJPDES No. NJ0024864). As such, the SRVSA STP has capacity to accommodate the additional flow from the project.

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

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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 <https://gisdata.njdep.opendata.arcgis.com> and 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 contains areas mapped as endangered or threatened wildlife species habitat for Northern Myotis (Rank 5), Indiana Bat (Rank 5), and Bald Eagle (Rank 4) 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. Pursuant to N.J.A.C. 7:15-4.4(j)2, the applicant submitted a Habitat Suitability Determination (HSD) prepared by E2 Project Management LLC, in accordance with N.J.A.C. 7:15-4.6. The Department reviewed the HSD and concluded that no areas of suitable Bald Eagle habitat are located within the expanded SSA. The Department determined that roughly 42 acres of forested wetland area of suitable bat habitat would be impacted by the project and that, in accordance with N.J.A.C. 7:15-4.4(k)3 and 4.7(e)1iii, implementation of conservation measures to minimize to the maximum extent practicable all adverse modification of suitable habitat and mitigation for any such adverse modifications, was necessary. Pursuant to N.J.A.C. 7:15-4.4(k), the applicant submitted a Habitat Impact Assessment (HIA) prepared by E2 Project Management LLC, in

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accordance with N.J.A.C. 7:15-4.7, proposing several conservation and mitigation measures, including reforestation with native tree species and the placement of a conservation restriction easement on the undeveloped portions of the project property. The Department determined that the habitat being impacted is not of high quality and the amount of acreage to be reforested will increase the available habitat for the bat species over a relatively short time period. Additionally, a tree clearing timing restriction of April 1st to September 30th is to be adhered to throughout the entire site to minimize the potential take of the federally endangered species. The Department concluded that the placement of the Conservation Easement Deed Restriction on 67.57 acres of the project site, along with the reforestation and tree clearing restriction will minimize to the maximum extent practicable all adverse modification of suitable habitat and will mitigate for any such adverse modification in a manner that provides for no net loss of habitat value to endangered or threatened species including the local potential population of the species. The conservation restriction runs with the properties and is binding on all successive owners, their agents and assigns, and was executed, filed and recorded with the Somerset County Clerk on December 6, 2024, Book #7592, Pages 1150-1197

- 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, pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File # 1810-07-0002.2 FWW 140001 and file #1810-07-0002.3 FWW 200001 confirming that there are no wetlands within the expanded service area.
- 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. On April 28, 2020, Hillsborough Township adopted Ordinance 2020-08 to rezone the properties as Residential R8A. In a February 23, 2024 letter, the Somerset County Planning Board stated its support for the proposed amendment and intention

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to include it in a growth area designation on the Somerset County Master Plan County Investment Framework Map.

Sewer service is not guaranteed by the 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.

12/16/2024
Date

SIGNED

Jason Kane, Assistant Director
Office of Policy and Technical Development
Watershed & Land Management
New Jersey Department of Environmental Protection