

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JULY 21, 2025, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LAND MANAGEMENT**

### **OFFICE OF POLICY AND TECHNICAL DEVELOPMENT**

#### **Proposed Amendment to the Upper Raritan Water Quality Management Plan**

**Take notice** that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Upper Raritan Water Quality Management (WQM) Plan in accordance with 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 proposed amendment, identified as the Gardens at Warren (Program Interest No. 435434, Activity No. AMD240004), would expand the sewer service area (SSA) of the Somerset Raritan Valley Regional Sewerage Authority (SRVSA) (NJPDES No. NJ0024864) by 1.01 acres to serve a portion of a proposed 26 unit housing development. The total project site is 7.09 acres, of which 1.16 acres are within the currently adopted SSA. The portion of the development that is the subject of this amendment consists of two one-bedroom units, 11 two-bedroom units and two three-bedroom units located within two buildings on a portion of Block 90, Lot 2, in Warren Township, Somerset County. The remaining 4.92 acres will be conserved through a Tree Preservation Easement between the Township of Warren and the Gardens at Warren, LLC. The total project will generate a projected wastewater flow of 5,938 gallons per day (gpd), with 3,463 gpd generated by the portion of the development within the proposed SSA, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

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This notice represents the Department's determination that the proposed 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 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. The proposed project involves less than 100 acres of proposed SSA and will generate less than 20,000 gpd of wastewater flow; therefore, an update of the wastewater treatment capacity analysis is not required.

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 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/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:

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- The Department determined that the proposed SSA contains areas mapped as endangered or threatened wildlife species habitat, Red-headed woodpecker habitat (Rank 3), on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife based on the "Landscape Project Data" Version 3.4 GIS data layers, in accordance with N.J.A.C. 7:15-4.4(e)1. Based on review of this site and nearby areas, the Department determined that the site did not provide suitable habitat for the species and as such there will be no adverse impacts to the Red-headed woodpecker habitat. Additionally, the proposed Tree Preservation Easement will offer habitat protection for the forested area.
- The Department determined that the proposed 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 proposed SSA does not contain any C1 waters or 300-foot riparian zones along any C1 waters or upstream tributaries within the same HUC-14 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 2020" 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 # 1800-04-0002.1 FWW220001 confirming that there is no contiguous area of wetlands or other ESAs, alone or in combination, of 25 acres or larger are within the proposed SSA. Areas of isolated wetlands less than the 25-acre criteria threshold do exist within the proposed SSA.

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- The Department determined that the proposed 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).
- In accordance with N.J.A.C. 7:15-4.4(g), the Department determined that there are applicable 201 Facilities Plan grant conditions based on the U.S. Environmental Protection Agency (USEPA) list of New Jersey Grantees with ESA Grant Condition(s) at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2>. The proposed amendment would convey wastewater to the Warren Township Sewerage Authority (WTSA) Middlebrook Trunk which is subject to a Federal ESA grant condition included in the grant agreement executed between the WTSA and the USEPA under Project Number C-34-469-01. The ESA grant condition prohibits any sewer connection to Federally-funded facilities from any sewage-generating structure located on a parcel of property containing wetlands unless a mapping revision or grant waiver is obtained from USEPA. A partial grant waiver was issued by the USEPA to the WTSA on April 7, 2025.

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 Planning Board of the Township of Warren granted preliminary site plan approval on December 11, 2023, which was adopted at the January 22, 2024, Planning Board Meeting as resolution Case No. PB 23-06 on January 22, 2024. The Somerset County Planning Department issued a letter dated October 17, 2024, stating that the proposed project is located within the Limited Growth Investment Area of the County Investment

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Framework Map and is consistent with the Somerset County Master Plan and the Somerset County Master Plan Housing Element.

This notice is to inform the public that a plan amendment has been proposed for the Upper Raritan WQM Plan. All information related to this plan and the proposed amendment is located at:

New Jersey Department of Environmental Protection  
Watershed and Land Management  
Office of Policy and Technical Development  
Water Quality Management Planning Unit  
PO Box 420, Mail Code 501-02A  
501 East State Street  
Trenton, New Jersey 08625-0420

The Department's file is available for inspection between 9:00 A.M. and 4:00 P.M., Monday through Friday, upon request. An appointment to inspect the file must be arranged by calling the Office of Policy and Technical Development at (609) 633-7021.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above or at the email: [wqmp.publiccomments@dep.nj.gov](mailto:wqmp.publiccomments@dep.nj.gov). Comments should reference Program Interest No. 435434, Activity No. AMD240004 and must be submitted within 30 days of the date of this public notice.

Interested persons may request, in writing, that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435434, Activity No. AMD240004 and must

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demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined at N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future issue of the New Jersey Register and the comment period will be extended to 15 days after the public hearing. All comments submitted prior to the close of the comment period shall be considered by the Department before making a final decision on the proposed amendment.

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

<u>06/09/2025</u>	<u>Signed</u>
Date	Jason Kane, Assistant Director Office of Policy and Technical Development Watershed & Land Management New Jersey Department of Environmental Protection