

**PUBLIC NOTICE**

**ENVIRONMENTAL PROTECTION**

**WATER RESOURCE MANAGEMENT**

**DIVISION OF WATER MONITORING AND STANDARDS**

**Adopted Amendment to the Upper Raritan Water Quality Management Plan**

**Public Notice**

NOV 04 2019

Take notice that on \_\_\_\_\_, in accordance with the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection adopted amendment to the to the Upper Raritan Water Quality Management Plan (WQMP) and Montgomery Township-Rocky Hill Borough Wastewater Management Plan (WMP). The adopted amendment (Program Interest No. 435434, Activity No. WMP170001), prepared by the Somerset County Planning Board and submitted on behalf of the Somerset County Board of Chosen Freeholders, amends the current Montgomery Township-Rocky Hill WMP adopted on November 8, 2001 (33 N.J.R. 4392) by adding the following WMP components for both Montgomery Township and Rocky Hill Borough in accordance with N.J.A.C. 7:15-4.1(b): 1) updated Environmentally Sensitive Areas (ESA) maps, 2) updated wastewater/sewer service area (SSA) map, 3) wastewater treatment capacity analyses and 4) potential strategies to address any capacity deficiencies identified through the wastewater treatment capacity analysis. Nitrate dilution analyses and associated potential strategies for addressing any potential septic capacity deficit are not proposed at this time. A subsequent amendment application(s) must be submitted that includes nitrate dilution analyses for both municipalities and strategies for addressing any potential septic capacity deficit identified to fulfill the requirements for submission of a complete Municipal WMP Chapter for Montgomery Township and Rocky Hill Borough in accordance with N.J.A.C. 7:15-4, which may also require updates to a municipal Septic Management Plan entitled: "On-Site Waste Water Disposal Management District Ordinance of the Board

of Health of the Township of Montgomery." (Ord. #92-2, S 1; Ord. #99-02, S 1) adopted in May of 1989 and still in effect. This notice represents the Department's determination that the proposed amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.5 and 4, as described below. Preliminary notice was published in the New Jersey Register on August 5, 2019 at 51 N.J.R. 1292(a). No comments were received during the comment period.

The ESA maps for all of Montgomery Township and Rocky Hill Borough were updated in accordance with N.J.A.C. 7:15-4.3(c)2. The Sewer Service Area (SSA) map for all of Montgomery Township and Rocky Hill Borough were updated to reflect the updated ESA maps and to remove all mapped ESAs from the eligible SSA in accordance with N.J.A.C. 7:15-4.3(c)3 and 4.4. The updated SSA map would replace the corresponding portions of the Somerset County Upper Raritan and Northeast Future Wastewater Service Area (FWSA) map adopted January 24, 2013 (45 N.J.R. 374(a)). Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as sewer service areas (SSAs), except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One waters and their tributaries, or wetlands; coastal planning areas identified under N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions under N.J.A.C. 7:15-4.4(g). The Department conducted an evaluation of the proposed SSA using GIS shapefile(s) provided by the County 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) through (g) and made the following findings:

- The Department determined that the proposed SSA does not contain any areas mapped as endangered and threatened wildlife species habitats 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 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 Category One (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 N.J.A.C. 7:15-4.4(e)3.
- The Department determined that the proposed SSA does not contain any wetlands based on the “Wetlands 2012” GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4.
- The Department determined that the proposed SSA does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the “CAFRA Layers” GIS layer in accordance with 7:15-4.4(f).
- The Department determined that there are no applicable 201 Facilities Plan grant conditions based on the USEPA 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).

The proposed wastewater treatment capacity analysis identifies eleven existing wastewater treatment plants (WTPs) that discharge to surface water: Cherry Valley Country Club, New Jersey Pollutant Discharge Elimination System (NJPDES) Permit Number NJ0069523, Pike Brook (NJ006038), Skillman Village (NJ0022390), Stage II (NJ0026905), Oxbridge (NJ0067733), Riverside Farms (NJ0050130), Carrier Foundation (NJ0023663), Johnson & Johnson Consumer Products Co. Inc. (NJ0026140), Burnt Hill Treatment Plant #1 (NJ0026891), Montgomery High School STP (NJ0023124), Ingersoll Rand (NJ0108944); and twelve that discharge to ground water: Johnson & Johnson Consumer Products Co. Inc. (NJ0026140), JER Herring (NJ0069060), Princeton Montessori School (NJ0100501), Waldorf School of Princeton

(NJ0134210), St. Charles Borromeo Roman Catholic Church (NJ0142611), Gibraltar Rock of Belle Mead (NJG0136743), Montgomery Knolls (NJG0087327), Pavilions at Princeton (NJG0129038), Crossings at Bedens Brook (NJG0132811), Mattawang Golf Club (NJG0134911), Crossings at Bedens Brook (NJG0132811), Mattawang Golf Club (NJG0134911), Agricola Barn (NJ0244562), and AJA Montgomery LLC/Tusk Fusion (NJG0160598). A number of these WTPs are identified as/will be decommissioned; therefore, the build-out analysis and wastewater capacity analysis was developed based on the transfer of SSAs and associated projected wastewater flows from these WTPs to other receiving facilities, as follows: the SSA and flows from Oxbridge and Riverside Farms WTPs will be transferred to Pike Brook; the SSA and flows from Burnt Hill Treatment Plant #1, Montgomery High School STP and Ingersoll Rand WTP will be transferred to the Stage II WTP; and the SSA and flows from the Johnson & Johnson Consumer Products Co. Inc. WTP (which discharges to surface and ground waters), JER Herring Orchard LLC WTP, and Pavilions at Princeton WTP will be transferred to Skillman Village WTP. The results of the wastewater capacity analysis identify future wastewater treatment capacity deficiencies at the Stage II WTP (-0.066 million gallons per day (mgd)), the Pike Brook WTP (-0.216 mgd) and the Skillman Village WTP (0.001 mgd); surplus capacity at Cherry Valley Country Club, and Carrier Foundation WTP reaching capacity at buildout. The wastewater capacity analysis for the Carrier Foundation WTP is based on the maximum capacity of the care facility, rather than the WTP, and assumes that the wastewater flow rate would increase at the same rate as the inpatient and nonresidential (employee) population if that population increased to the maximum capacity for the care facility; therefore, this WTP is was not identified as having a potential wastewater capacity deficit. The Department has determined that the wastewater treatment capacity analysis complies with N.J.A.C. 7:15-4.5.

The proposed strategies for addressing the deficiencies identified by the wastewater treatment capacity analysis include future expansion of the Stage II and Pike Brook WTPs and future re-rating of the Skillman Village WTP. The Stage II WTP, which is located in Montgomery Township, has a current flow of

0.527 million gallons per day (mgd) and a permitted flow of 0.68 mgd. Based on the projected build-out flow of 0.746 mgd, a capacity deficiency of 0.066 mgd was identified. The strategy to address this deficiency is to adopt the Final Surface Water Renewal Permit Action which authorizes them to discharge at two additional higher staged flows of 0.78 mgd and 1.2 mgd from the existing permit.; however, such expansion would not be necessary until significant new development occurs within the updated SSA. The Pike Brook WTP has a current flow of 0.517 mgd and a permitted flow of 0.67 mgd. Based on the projected build-out flow of 0.886 mgd, including transfer of SSAs previously assigned to the former Riverside and Oxbridge WTPs, a capacity deficiency of 0.216 mgd was identified. The strategy identified to address this deficiency is for Montgomery Township to pursue a future wastewater treatment plant expansion to 0.866 mgd and a NJPDES permit modification to increase the permitted flow to 0.866 mgd. The Skillman Village WTP has a current flow of 0.096 mgd and a permitted flow of 0.500 mgd. Based on the projected build-out flow of 0.501 mgd, including transfer of SSAs previously assigned to the Oxbridge, JER Herring Orchard Corporation, the Pavilions at Princeton and the Johnson & Johnson WTPs, a capacity deficiency of 0.001 mgd was identified; however, current flows total less than 0.1 mgd and additional capacity will likely not be required for many years. The strategy identified to address this potential deficiency is for Montgomery Township to pursue a NJPDES permit re-rating of the Pike Brook WTF from 0.5 to 0.68 mgd. The Department has determined that the proposed strategies to mitigate potential capacity deficiencies comply with N.J.A.C. 7:15-4.5.

N.J.A.C. 7:15-3.5(g)6 requires the applicant to request a written statement of consent from all identified governmental entities, sewerage agencies, and the Board of Public Utilities-related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, adoption of this amendment. Accordingly, the Department instructed the applicant to request a written statement of consent from the Somerset County Board of Chosen Freeholders, Montgomery Township, Rocky Hill Borough and the New Jersey Water Supply Authority. On August 20, 2019, the Somerset County Board of

Chosen Freeholders adopted "Resolution of Consent Regarding the Adoption of the Montgomery Township- Borough of Rocky Hill Wastewater Management Plan Component by the New Jersey Department of Environmental Protection (Program Interest NO. 435434, Activity No. WMP170001)" in support of the proposed WMP components. On August 15, 2019, Montgomery Township adopted Resolution #19-8-195, consenting to the adoption of the WMP components. On August 19, 2019, the Borough of Rocky Hill adopted a resolution consenting to the proposed Upper Raritan WQMP amendment. On September 9, 2019, the New Jersey Water Supply Authority adopted Resolution No. 2401 consenting to the adoption of the WMP components.

Sewer service is not guaranteed by this amendment. This amendment represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area 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.

11/4/19

Date

A handwritten signature in blue ink, appearing to read "Bruce S. Friedman", written over a horizontal line.

Bruce S. Friedman, Director

Division of Water Monitoring and Standards