

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE DECEMBER 3, 2018 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

WATER RESOURCES MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Proposed Amendment to the Lower Raritan/Middlesex County Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed site specific amendment to the Lower Raritan/Middlesex County Water Quality Management (WQM) Plan 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 proposed amendment (Program Interest No. 435463, Activity No. AMD170001) would expand the Middlesex County Utilities Authority sewer service area (SSA) by 16.5 acres to serve a proposed mixed use development on portions of Block 20001, Lots 16 and 18, Old Bridge Township, Middlesex County. The proposed project, identified as “Woodhaven Village Section OC-7”, consists of 125 age-restricted one-bedroom apartments, 125 age-restricted two-bedroom apartments, 15,000 square feet of retail space, and 35,000 square feet of office space and would generate a projected wastewater flow of 40,000 gallons per day (gpd) to be received by the Middlesex County Utilities Authority Sewage Treatment Plant NJPDES Permit #NJ0020141, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. The proposed amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department’s determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.3, 3.5, 4.4 and 4.5, as described below.

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In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of the eligible sewer service area 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 must update 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 would add 16.5 acres to the SSA and would generate a projected wastewater flow of 40,000 gpd, based on flow calculations in accordance with N.A.C. 7:14A-23.3, to be received by the Middlesex County Utilities Authority Sewage Treatment Plant (STP). The Middlesex County Utilities Authority STP is currently permitted to discharge up to 147 million gallons per day (mgd) under New Jersey Pollutant Discharge Elimination System (NJPDES) permit NJ0020141. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing wastewater flow is the highest consecutive 12-month rolling average flow during the five-year period preceding the amendment application (March 2012 to March 2017), which was calculated to be 108 MGD (June 2013 to May 2014) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner (<https://www13.state.nj.us/DataMiner#>). The additional flow from the proposed project should not cause the facility to exceed its permitted capacity; therefore, no additional wastewater treatment plant capacity analysis is required.

The following are not eligible for delineation as sewer service areas, 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

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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) through (g) and made the following findings:

- The Department determined that the expanded sewer service area does not contain any areas mapped as threatened and endangered 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 sewer service area 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 sewer service area 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 and 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 expanded sewer service area does contain wetlands based on the "Wetlands 2012" GIS data layer; however, in accordance with N.J.A.C. 7:15-4.4(e)4, the applicant provided amended Administrative Consent Order File No. 1209-05-0027.1 NEA080001, which references the applicant's site plan entitled "Texas Road Plaza III Township of Old Bridge Middlesex County, New Jersey Overall Plan" and, serving as a Letter of Interpretation, confirms that there are no wetlands in the expanded SSA for this project.

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- The Department determined that the expanded sewer service area 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 201 Facilities Plan grant conditions applicable to the project site 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).

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department considered the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans. On April 4, 2017, the Old Bridge Township Planning Board issued a resolution granting conditional approval of project, cited as “Woodhaven Village - Second Amended GDP Application No. 56-16p. The Middlesex County Department of Planning has notified the Department that it will not take a position on any proposed WQM plan amendments until it updates the County Master Plan, which has been in effect since 1969.

This notice is to inform the public that a plan amendment has been proposed for the Lower Raritan/Middlesex County WQM Plan and that a public hearing will be held by the Middlesex County Board of Chosen Freeholders on January 23, 2019, at 5:30 p.m. in the Freeholders’ Public Meeting Room, 1st Floor, of the Middlesex County Administration Building at 75 Bayard Street, New Brunswick, New Jersey. The Middlesex County Board of Chosen Freeholders, as the designated planning agency, requires that a public hearing be held for all WQM plan amendments under its jurisdiction. All information related to the WQM Plan and the proposed amendment is located at:

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Middlesex County Department of Planning
75 Bayard Street, 5th Floor
New Brunswick, New Jersey 08901

AND

New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Environmental Analysis Assessment and Standards
P.O. Box 420, Mail Code 401-041
401 East State Street
Trenton, New Jersey 08625-0420

The Department's file is available for inspection through the Open Public Records Act. Requests can be made on-line at <http://www.nj.gov/dep/opra/>.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above. Comments should reference Program Interest No. 435463, Activity No. AMD170001 and must be submitted within 30 days of the date of this public notice or within 15 days of the last public hearing. A copy of the written comments should be sent to:

Ms. Mirah Becker
Middlesex County Department of Planning
75 Bayard Street – 5th Floor
New Brunswick, New Jersey 08901

AND

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Mr. William Iafe, Woodhaven Village Inc.

90 Woodbridge Center Drive, 6th Floor

Woodbridge, New Jersey 07095

Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment, in addition to the County hearing, or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435463, Activity No. AMD170001 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.AC. 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 New Jersey Register and the comment period will be extended to 15 days after the public hearing date. 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 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 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.

10/31/18

SIGNED

Date

Bruce S. Friedman, Director

Division of Water Monitoring and Standards

