

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 3, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

WATER RESOURCE 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. AMD190002) would expand the Middlesex County Utilities Authority sewer service area (SSA) by 3.24 acres to serve a proposed residential development on a portion of Block 37, Lot 12.14, South Brunswick Township, Middlesex County. The proposed project, identified as “Scotto Property”, consists of 6 four-bedroom single family homes and would generate a projected wastewater flow of 1,800 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. A public notice regarding this proposed amendment was previously published in the December 2, 2019 New Jersey Register at 51 N.J.R. 1805(a) announcing a public hearing to be held by Middlesex County on February 5, 2020. However, the public hearing will not be held on that date due to procedural issues. The public hearing has been rescheduled as indicated 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 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 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 involves less than 100 acres and will generate less than 20,000 gallons per day of wastewater flow; therefore update of the wastewater treatment plant capacity analysis is not 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) 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 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 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.

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- 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 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 there are wetlands located on the proposed project site based on the “Wetlands 2012” GIS data layer; however, in accordance with N.J.A.C. 7:15-4.4(e)4, and , pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant has provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File # 1221-16-0004.1 FWW160001 confirming that there are no wetlands within the expanded sewer service area.
- 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 14, 2009 the South Brunswick Township Council adopted Resolution 2009-14 which re-zoned the property to R-3 (Single Family Residential

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zone). The South Brunswick Township Planning Board issued a resolution for file No. 15-046 on December 12, 2018 granting Preliminary and Final Major Subdivision Approval. South Brunswick Township does not require subsequent site plan approval for the proposed project. On June 4, 2019, the South Brunswick Township Planner issued an email stating that the proposed project is consistent with the South Brunswick Township master plan. The Middlesex County Department of Planning has notified the Department that it will not confirm or deny consistency of any proposed amendment with the county master plan until it updates its 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 March 18, 2020 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:

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 401-04I

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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. AMD190002 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

Mr. James Hambro
Hambro & Mitchell, Attorneys at Law
12 Stults Road– Suite 104
Dayton, New Jersey 08810

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. AMD190002 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.AC. 7:1D-

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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.

1/9/20

Date

SIGNED

Bruce S. Friedman, Director

Division of Water Monitoring and Standards