

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 19, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

PUBLIC NOTICE

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 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, identified as “BP South Plainfield Warehouse”, (Program Interest No. 435463, Activity No. AMD200004) would expand the sewer service area (SSA) of the Middlesex County Utilities Authority (MCUA) Sewage Treatment Plant (STP) by 1.48 acres to serve a proposed commercial development on Block 284, Lot 18 (portion), South Plainfield Borough, Middlesex County. The proposed project consists of a 189,059 square foot warehouse/office building. As calculated in accordance with N.J.A.C. 7:14A-23.3, the proposed development would generate a projected wastewater flow of 2,400 gallons per day (gpd), based on 9,000 square feet of office space and 60 warehouse employees, to be received by the MCUA STP (New Jersey Pollutant Discharge Elimination System (NJPDES) permit #NJ0020141). This notice represents the

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Department's determination that the 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 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 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 SSA, except as otherwise provided at N.J.A.C. 7:15-4.4(i), (j), (k), and (l); environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of any of the following features, alone or in combination: endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One (C1) waters, their tributaries and their corresponding 300 foot riparian zone, 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), (f), and (g) and made the following findings:

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- The Department determined that, in accordance with N.J.A.C. 7:15-4.4(e)1, based on review of the “Landscape Project Data” Version 3.3 GIS data layers, the proposed SSA contains mapped threatened and endangered wildlife species habitat identified for Rank 4 Bald Eagle. Pursuant to N.J.A.C. 7:15-4.4(j)2 and 3, Dubois Environmental Consultants, Inc. submitted a Habitat Suitability Determination (HSD)/ Habitat Impact Assessment (HIA), prepared pursuant to N.J.A.C. 7:15-4.6 and 4.7, respectively. The Department concurred with the HSD assessment that the proposed project site does not include suitable Bald Eagle habitat due to the site’s existing disturbance and development, and the presence of plant successional communities that are the result of historic clearing and land use. The Department also concurred with the HSD/HIA’s finding that there are no eagle nests in proximity to the proposed project site.
- The Department determined that the proposed SSA does not contain any areas mapped as Natural Heritage Priority Sites based on a review of 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 and 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 proposed 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 has provided a Freshwater Wetlands Letter of

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Interpretation (LOI)/Line Verification File# 1225-05-0012.1 FWW160001 confirming that there are no wetlands within the proposed sewer service area.

- 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 (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 site based on the US Environmental Protection Agency 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 adopted zoning ordinances, future land uses shown in adopted municipal or county master plans, and other local land use objectives. The proposed project site is located within South Plainfield Borough’s M-3 Industrial Zone and warehouses are a permitted use within this zone. The Middlesex County Department of Planning has notified the Department that it will not confirm or deny consistency of a 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. All information related to the WQM Plan and the proposed amendment is located at:

Middlesex County Department of Planning

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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, Restoration 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 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 Bureau of Environmental Analysis, Restoration and Standards at (609) 633-1441.

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. The public hearing will be held at 5:30 p.m. on January 6, 2021 via audio conference call. The public may call the following number and use the conference I.D. number to be connected into the meeting: (732) 515-5844; conference I.D. 602 142 157#. For additional information, please see the Middlesex County Water Resources Association web page at:

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<http://www.middlesexcountynj.gov/Government/Departments/IM/Pages/Planning/Environmental%20Sustainability/Office-of-Planning---Division%20of%20Environmental%20Sustainability%20--%20Water-Resources-Association.aspx>.

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 and to the County at the following address:

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

Comments should reference Program Interest No. 435463, Activity No. AM200004 and must be submitted within 15 days of the public hearing.

Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment, or request to extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435463, Activity No. AMD200004 and must 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

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days after the Department’s 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 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 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 agencies with jurisdiction over this project/activity.

9/14/20

SIGNED

Date

Kimberly Cenno, Bureau Chief
Bureau of Environmental Analysis, Restoration and Standards
Division of Water Monitoring and Standards