

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE NOVEMBER 16, 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 “Scotto Property” (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, 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 New Jersey Pollutant Discharge Elimination System (NJPDES) Permit #NJ0020141, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. This notice represents the Department’s determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15 as described below. A public notice regarding this proposed amendment was 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 was not held on that date due to

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procedural issues. The public hearing was rescheduled for March 18, 2020 as announced in a revised public notice that was published in the February 3, 2020 New Jersey Register at 52 N.J.R. 168(a). However, the March 18, 2020 public hearing was cancelled by Middlesex County due to the statewide Covid-19 health emergency. The public hearing has been rescheduled as indicated below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alternations 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 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 gpd 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, 300-foot riparian zones of Category One (C1) 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), (f), and (g) and made the following findings:

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- 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 300-foot riparian zones of Category One (C1) waters and their upstream tributaries situated within the same HUC-14 watershed 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 Interpretation (LOI)/Line Verification File # 1221-16-0004.1 FWW160001 confirming that there are no wetlands within the proposed sewer service area.
- The Department determined that the proposed 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 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

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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. On April 14, 2009, the South Brunswick Township Council adopted Resolution 2009-14 which re-zoned the property to R-3 (Single Family Residential 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. All information related to the WQM Plan and the proposed amendment is located at:

Middlesex County Department of Planning

75 Bayard Street, 5<sup>th</sup> 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

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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. A public hearing will be held by the County Freeholders on January 13, 2021 at 5:30 p.m. via video conference **only**. The public may call the following number and use the conference I.D. number to be conferenced into the meeting: [Phone:+1 732-515-5844; conference I.D. number 517805030#] For additional information, please see the Middlesex County Water Resources Association web page at:

<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](mailto:wqmp.publiccomments@dep.nj.gov) and to the County at the following address:

Mr. Nicholas Tufaro

Middlesex County Department of Planning

75 Bayard Street – 5<sup>th</sup> Floor

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New Brunswick, New Jersey 08901

Comments should reference Program Interest No. 435463, Activity No. AMD190002 and must be submitted within 15 days after the public hearing.

Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment 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-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 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.

10/28/20

SIGNED

\_\_\_\_\_  
Date

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

