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## **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. 58:11-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15. The proposed amendment, identified as “The Green at Old Bridge” (Program Interest No. 435463, Activity No. AMD200006) would expand the sewer service area (SSA) of the Middlesex County Utilities Authority (MCUA) Sewage Treatment Plant (STP) by 2.62 acres to serve a proposed residential development located on Block 2150, Lot 4.11 (portion), in Old Bridge Township, Middlesex County. The proposed project consists of 12 one-bedroom apartments, 36 two-bedroom apartments, and 12 three-bedroom apartments. As calculated in accordance with

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N.J.A.C. 7:14A-23.3, the proposed amendment portion of the project will generate a projected wastewater flow of 13,500 gallons per day (gpd), to be received by the MCUA STP, New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0020141.

This notice represents the Department's determination that the proposed 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 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 shall include a proposed modification to 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, alone or in combination: endangered or threatened wildlife

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species habitat, Natural Heritage Priority Sites, 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:

- The Department determined that the proposed SSA contains areas mapped as endangered or threatened 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's review determined that the site is mapped as Rank 3 habitat for Black Crowned Night Heron. However, based on review of the Habitat Suitability Determination (HSD) prepared and submitted pursuant to N.J.A.C. 7:15-4.6, the Department concurred with the HSD assessment that the proposed project site does not include suitable habitat for Black Crowned Night Heron. This determination was based on: the proximity to existing development and barren land, lack of extensive emergent wetland habitat, the narrowness

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of onsite habitat, proximity to far superior habitat, the nearby stream and associated wetlands are densely forested and lack many of the characteristics normally associated with foraging habitat for this species.

- 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 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 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 provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #1209-01-1003.3 FWW200001 confirming that there are no wetlands within the proposed SSA.
- The Department determined that the proposed SSA does not contain any areas mapped as Fringe Planning Areas, Rural Planning Areas, or Environmentally Sensitive Planning Areas

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within the Coastal Area Facility Review Act (CAFRA) zone 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 based on the U.S. 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 and county master plans, and other local land use objectives. The Old Bridge Township Engineer and Director of Community Development issued a letter dated April 27, 2021, stating that the property is part of the Township’s Judgement of Compliance of its Third Round Housing Element and Fair Share Plan which furthers the goals of the Township’s Master Plan and Land Development Ordinance. 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.

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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

Water Quality Management Planning Program

PO 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.

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The Middlesex County Board of County Commissioners, 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 September 8, 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. 284 984 921#. 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  
New Brunswick, New Jersey 08901

Comments should reference Program Interest No. 435463, Activity No. AMD200006 and must be submitted within 15 days after the public hearing.

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Interested persons may request in writing that the Department hold a nonadversarial 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. AMD200006 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 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 county and the Department before making a final decision on the proposed amendment.

Sewer service is not guaranteed should this amendment be adopted as 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 agency with jurisdiction over this project/activity.

6/3/21

SIGNED

\_\_\_\_\_  
Date

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