

ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

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

Public Notice

Take notice that on ~~JAN 11 2016~~, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment (PI# 435463; Activity# AMD150004) to the Lower Raritan/Middlesex County Water Quality Management Plan (WQMP) was adopted by the Department of Environmental Protection (Department). This amendment, entitled "Tyler Village", submitted on behalf of Tyler Properties LLC, expands the Middlesex County Utilities Authority (MCUA) Sewage Treatment Plant (STP) sewer service area (SSA) by 18 acres to allow for the construction of 65 two-bedroom apartments and 35 three-bedroom apartments. The amendment site is located in South Plainfield Borough on a portion of Block 467, Lot 21 at the intersection of Tyler Place and New Brunswick Avenue. The entire proposed development is for 460 apartments and 10,000 square feet of retail space, however, 360 of these apartments and all of the retail space are in the presently adopted SSA and are not the subject of this amendment. This amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and P.L. 2011, c. 203 as amended and supplemented by P.L 2013, c. 188. This notice represents the Department's determination that the amendment is in compliance with the regulatory criteria pursuant to N.J.A.C. 7:15-5.24 and 5.25.

N.J.A.C. 7:15-5.24 identifies several areas that are not to be provided sewer service area due to their environmental sensitivity. Pursuant to N.J.A.C. 7:15-5.24(b), ESAs are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One (C1) special water resource protection areas, and wetlands, alone or in combination. No such ESAs are included in the SSA.

In accordance with N.J.A.C. 7:15-5.24(b)1, to identify areas designated as threatened or endangered species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, version 3.1. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), 4 (State endangered), and 5 (Federal endangered or threatened) are not to be included in SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the project site has determined that no threatened or endangered species habitat exists on site.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the project site has determined that no Natural Heritage Priority Sites exist on site.

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along Category One waters and their tributaries are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). The Department has determined that no special water resource protection areas along Category One waters or their tributaries exist on the site.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). In accordance with N.J.A.C. 7:15-5.24(e)2, Letter of Interpretation: Line Verification Reissuance File #1222-04-0002.1 FWW040001 was provided, confirming the extent of wetlands and transition areas on the site. The above mentioned approval remains valid under the Permit Extension Act at N.J.A.C. 7:1B until June 30, 2016. The provisions of N.J.A.C. 7:15-5.24(b)4 have been satisfied, as there are no wetlands or transition areas within the SSA.

Pursuant to N.J.A.C. 7:15-5.24(c), Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Areas shall be excluded from SSA. There are no such areas on the project site.

Pursuant to N.J.A.C. 7:15-5.24(d)1, areas with Federal 201 grant limitations that prohibit the extension of sewers into specified environmentally sensitive areas are excluded from the SSA. Pre-existing grant

conditions and requirements (from Federal and State grants or loans for sewerage facilities), which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this amendment and compliance is required.

In addition to the environmentally sensitive areas with Federal 201 grant limitations there are other special restricted areas, not applicable here, which must also be excluded from SSA pursuant to N.J.A.C. 7:15-5.24(d)2 through 4. Specifically, there are no beaches, coastal high hazard areas, or dunes on the project site.

In accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of the project is to be evaluated. However, P.L. 2013, c. 188 allows the Department to approve the inclusion of land within a sewer service area notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modifications. Therefore, amendments to expand a sewer service area may be approved if such actions are compliant with the applicable sections of the WQM Planning rules (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. Currently the MCUA STP (NJ0020141) is permitted to discharge up to 147 million gallons per day (mgd). Based on an average of the monthly average flow for the most recent twelve month period for which discharge monitoring data is available, the existing wastewater flow discharged from the MCUA STP was calculated to be 101.69 mgd. The projected wastewater flow for the proposed new development, calculated in accordance with N.J.A.C. 7:14A-23.3 is 25,125 gallons per day.

In accordance with N.J.A.C. 7:15-5.25(h)3 the water supply need for the proposed project is to be evaluated. Water supply for the proposed development will be provided by the New Jersey American Water Company-Raritan System (NJAWRS) (PWSID No. 2004002). NJAWRS is a public water system which withdraws water from the Raritan River, Millstone River and Delaware and Raritan canal. The NJAWRS has diversion privileges set by Water Allocation Permit No. 5033 for a total supply of 6,761.5 Million Gallons per Month (MGM) and currently has a water supply surplus of 979.264 MGM. The proposed water demand of the project, calculated in accordance with N.J.A.C. 7:15-5.25(f)1i, is 0.968 MGM (not 1.94 MGM as incorrectly stated in the October 27, 2015 preliminary notice which was published in the November 4, 2015 DEP Bulletin).

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater management is to be evaluated. However, P.L. 2013, c. 188 directs that there is a presumption that an engineered subdivision or site plan is not required. Without such information a review and determination of compliance with the Stormwater Management rules (N.J.A.C. 7:8) is not possible. The municipal governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development. South Plainfield Borough has an adopted stormwater management ordinance (No. 1731); see N.J.A.C. 7:8-4. South Plainfield Borough is also required to implement the N.J.A.C. 7:8 requirements incorporated in the Residential Site Improvement Standards; see N.J.A.C. 5:21-7.

In accordance with N.J.A.C. 5.25(h)5, riparian zones are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.25(h)i-vii. A riparian zone of a Bound Brook tributary (FW2-NT) has been identified on the property. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act rules, the Stormwater Management rules, and the Water Quality Management Planning rules. The provisions at N.J.A.C. 7:15-5.25(h)5i, have been satisfied by the exclusion of the riparian corridor and associated 50 foot buffer of the Bound Brook Tributary from the SSA.

In accordance with N.J.A.C. 7:15-5.25(h)6, proposed development disturbance is not to be located in areas with steep slopes, defined as any slope equal to or greater than 20 percent. There are no steep slopes on the subject site.

This amendment proposal was noticed in the DEP Bulletin on November 4, 2015 at Volume 39, Issue 21, pages 23-26 and no comments were received during the comment period.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. These issues may include, but are not limited to, the following: compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works; development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State

statutes or rules. Approval of this amendment does not eliminate the need for any permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.

Sewer service to any particular project is subject to contractual arrangements between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.



Colleen Kokas, Director
Office of WRM Coordination
Department of Environmental Protection

1-11-16

Date

