

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 **MAY 03 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 (P.I. # 435463 Activity # AMD150006) to the Lower Raritan/Middlesex County Water Quality Management Plan (WQMP) was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of Federal Business Centers, Inc., expands the Middlesex County Utilities Authority (MCUA) sewage treatment plant (STP) sewer service area (SSA) by 9.6 acres to include portions of Block 2/Lot 1 and Block 3/Lot 32 in Monroe Township, southeast of the intersection of State Highway 33 and Butcher Road (County Route 619). The Disbrow Hills development is a proposed office/warehouse development of 308,000 square feet.

This amendment also corrects a technical mapping error that was discovered during review of the proposed new SSA. A portion of the proposed project site is located within the adopted MCUA SSA on Block 3/Lots 31 and 32. However, this adopted SSA is mapped incorrectly and should have been shifted approximately 75 feet to the west of its present

location. The Middlesex County Department of Planning will correct the mapped sewer service area to correctly align with lot boundary lines to reflect the SSA extent as originally intended in the Middlesex Future Wastewater Service Area (FWSA) Map amendment which was adopted by the Department on March 11, 2015 and published in the April 6, 2015 New Jersey Register (see 47 N.J.R. 733(b)).

This amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15. 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.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas (ESAs) have been assessed to determine what areas of the proposed project site are appropriate for inclusion in the SSA. 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 proposed project site has determined that portions of it are threatened or endangered species habitat for Veery, Northern Parula, Wood Turtle, and Black Throated Green Warbler. The provisions of N.J.A.C. 7:15-5.24(b)1 have been satisfied as there is no threatened or endangered species habitat within the SSA.

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, Freshwater Wetlands Letter of Interpretation: Line Verification Reissuance File No. 1213-03-0027.3 FWW150001 (LOI) was provided, confirming the extent of wetlands and transition areas on the site. 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 proposed 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.

Pursuant to N.J.A.C. 7:15-5.24(d)2-4, the Department evaluated the presence of other special restricted areas, specifically, beaches as defined at N.J.A.C. 7:7E-3.22 (currently codified at N.J.A.C. 7:7-9.22); coastal high hazard areas as defined at N.J.A.C. 7:7E-3.18 (currently codified at N.J.A.C. 7:7-9.18); and dunes as defined at N.J.A.C. 7:7E-3.16 (currently codified at N.J.A.C. 7:7-9.16). Areas identified as beaches, coastal high hazard areas and dunes are not to be included in SSA, except as provided under N.J.A.C. 7:15-5.24(e) – (h). There are no beaches, coastal high hazard areas, or dunes on the project site. Therefore, the conditions of N.J.A.C. 7:15-5.24(d)2-4 have been satisfied.

In accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of the project has been evaluated. 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 99.57 MGD. The projected wastewater flow of the project, calculated in accordance with N.J.A.C. 7:14A-23.3, is 9,775 gallons per day. The provisions of N.J.A.C. 7:15-5.25(h)1 have been satisfied as the MCUA STP currently has adequate available capacity to treat the proposed wastewater flow from this project.

In accordance with N.J.A.C. 7:15-5.25(h)3, the water supply need for the proposed project has been evaluated. Water supply for the proposed development will be provided by the Monroe Township Utilities Department MTUD (PWSID No. 1213002). MTUD is a public water system which withdraws water from the Upper and Middle Potomac Raritan Magothy aquifers. The location of the diversion is in Applegarth Road. The MTUD has diversion privileges set by Water Allocation Permit No. 5048 for a total supply of 374.67 million gallons per month (MGM) and currently has a water supply surplus of 98.526 MGM. The proposed water demand of the project, calculated in accordance with N.J.A.C. 7:15-5.25(f)1i, is 0.454 MGM; therefore sufficient water supply is currently available to serve the proposed development within the existing water allocation permit.

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater management is to be evaluated. The municipal governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development. Monroe Township has adopted stormwater management ordinances (No.'s 011 2006-38, 05 2007-021); see N.J.A.C. 7:8-4. Monroe Township 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, proposed development disturbance is not be located in riparian zones except as provided under N.J.A.C. 7:15-5.25(h)i–vii. 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. A riparian zone of Bentley Brook (FW2-NT) and a Bentley Brook tributary have been identified on the property. 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 to the Bentley Brook and its tributary from the proposed 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 New Jersey Register on February 16, 2016 at 48 N.J.R. 338(a) 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.

CKokas

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5-3-16

Date