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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

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

Public Notice

Take notice that on October 16, 2019 , pursuant to the provisions of 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 New Jersey Department of Environmental Protection (Department) has adopted an amendment (Program Interest No. 435463, Activity No. AMD170002) to the Lower Raritan/Middlesex County Water Quality Management (WQM) Plan and Wastewater Management Plan (WMP). This amendment establishes a new sewer service area (SSA) of 5.7 acres to serve existing and proposed development on Block 25, Lots 63 (portion) and 64 (portion), Cranbury Township, Middlesex County. The proposed project, **identified as “JET USA”**, consists of a new 34,725 square-foot house of worship/community center and an existing three-bedroom, single-family residence, which would generate a projected wastewater flow of 3,100 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. The flow will be conveyed to a new subsurface sewage disposal system, which will replace the existing individual septic system. Preliminary notice was published in the New Jersey Register on July 15, 2019 at 51 N.J.R. 1219(a) and a public hearing was held by Middlesex County, as the Designated Planning Agency, on August 28, 2019. No comments were received during the comment period or at the hearing.

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This amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department's determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.3, 3.5, and 4.4 - 4.7, as described below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of 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 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.

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from the Middlesex County Utilities Authority, Cranbury Township, and the Middlesex County Board of Chosen Freeholders. The Middlesex County Board of Chosen Freeholders adopted resolution 19-1313-R on October 3, 2019 in support of the proposed amendment. Cranbury Township and the Middlesex County Utilities Authority declined to respond to the applicant's request for a statement of consent.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSAs, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One 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

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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) through (g) and made the following findings:

- The Department determined that the new 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 new 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 new SSA does not contain any Category One (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 N.J.A.C. 7:15-4.4(e)3.
- The Department determined that the project site contains wetlands based on the "Wetlands 2012" GIS data layer; however, in accordance with N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #1202-09-0002.1 FWW180001 confirming that there are no wetlands within the new SSA.
- The Department determined that the new 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 Layers" GIS layer in accordance with 7:15-4.4(f).

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- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project site based on the USEPA 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 zoning ordinances and future land uses shown in municipal or county master plans. On September 3, 2014, the Cranbury Township Zoning Board of Adjustment issued a resolution granting a use variance for the proposed project, cited as “Resolution of Memorialization - Resolution Granting Use Variance to JET USA, LLC for Construction of a House of Worship Block 25, Lots 63 and 64 (222 Dey Road) Application No. ZBA 224-12”. On September 3, 2014, the Cranbury Township Zoning Board of Adjustment issued a resolution granting preliminary and final site plan approval of the project, cited as “Resolution of Memorialization - Resolution Granting Preliminary and Final Site Plan Approval With Site Plan Exceptions and Additional Bulk Variances to JET USA, LLC for Construction of a House of Worship Block 25, Lots 63 and 64 (222 Dey Road) Application No. ZBA 224-12”. The Middlesex County Department of Planning has notified the Department that it will not take a position on any proposed WQM plan amendments until it updates the County Master Plan, which has been in effect since 1969.

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 resulting in the adoption 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.

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10/16/19

SIGNED

Date

Bruce S. Friedman, Director

Division of Water Monitoring and Standards