

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE LOWER RARITAN/MIDDLESEX COUNTY, UPPER
RARITAN AND NORTHEAST WATER QUALITY MANAGEMENT PLANS

Public Notice

Take notice that on *May 1, 2001*, 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 to the Lower Raritan/Middlesex County, Upper Raritan and Northeast Water Quality Management Plans (WQMPs) was adopted by the Department of Environmental Protection (Department). This amendment, submitted by Middlesex County, adopts a Lower Raritan/Middlesex County Wastewater Management Plan (WMP) addressing all or portions of 36 municipalities in Middlesex, Somerset, and Union counties. The WMP addresses both the existing and proposed sewer service areas of the Middlesex County Utilities Authority (MCUA), United Water Princeton Meadows (UWPM), Rahway Valley Sewerage Authority (RVSA), Somerset Raritan Valley Sewerage Authority (SRVSA), Stony Brook Regional Sewerage Authority (SBRSA) and Berkeley Heights Sewage Treatment Plants (STPs) as they relate to the Lower Raritan/Middlesex County WQM Planning area. To accommodate the development and growth goals of the municipalities, numerous modifications to the service areas are proposed. Sewer service areas have been both expanded and reduced in various areas throughout the WMP planning area. The New Jersey Training School for Boys and the Applegarth Care Center STPs in Monroe Township are proposed to be decommissioned and wastewater conveyed to MCUA. No expansion of the MCUA STP is proposed. The UWPM STP is proposing to expand its discharge to Cranbury Brook (classified as FW2-NT) to 1.64 million gallons per day. The WMP identifies and provides information on other existing wastewater treatment facilities, mostly industrial discharges, which are within the planning area. Several modifications to the WMP planning area have been made to coincide with the service areas delineations.

This WMP was proposed to include areas designated to be served by subsurface sewage disposal systems with wastewater planning flows less than 20,000 gpd and areas designated to be served by subsurface sewage disposal systems with wastewater

planning flows less than 2,000 gpd. In accordance with amendments to the Water Quality Management Planning rules operative March 20, 2001(see 33 N.J.R. 697(a); February 20, 2001), all areas designated to be served by subsurface sewage disposal systems with wastewater planning flows less than 20,000 gpd and less than 2,000 gpd have been withdrawn and replaced by a revised discharge to ground water general wastewater service area designation for planned flows of less than 2,000 gpd. Accordingly, references in the proposed WMP to "Service area of facilities with planning flows of less than 20,000 gpd which discharge to groundwater" and "Service area of facilities with planning flows of less than 2,000 gpd which discharge to groundwater" have been replaced with reference to areas designated as "General Wastewater Service Area Designation for Planned Flows of Less Than 2,000 GPD With Discharge To Groundwater" except for the specifically identified facilities identified on Map Set 3 and discussed in the text via a Facilities Table. These facilities will be governed by the text/table discussions and mapped service area delineations.

This amendment was noticed in the New Jersey Register on June 5, 2000 at 32 N.J.R. 2161(b). Middlesex County held a public hearing on July 13, 2000. Middlesex County considered all comments and on September 7, 2000 the Middlesex County Freeholders approved the amendment.

Comments received during the public comment period are summarized below with the County and Department responses.

COMMENT 1: Commenter, on behalf of Top of the World and the Township of Green Brook, requests that Lot 29 in Block 108 of Green brook Township be transferred from the proposed MCUA service area to the proposed SRVSA service area. This lot is for one dwelling unit and is part of an approved subdivision. This change would allow the home to be connected to the sanitary sewer system that will be built to serve the remainder of the major subdivision and makes sense given the topography of the house location. (Paul Sterbenz/Maser Consulting)

RESPONSE: The WMP has been revised as requested.

COMMENT 2: In reviewing the "Existing Wastewater Facilities and Service Areas" map for the Borough of Sayreville, it was discovered that three Borough owned areas that are presently provided with wastewater collection facilities are being shown as

being in no-sewered areas. More specifically these areas are the Bordentown Avenue Well Field property, Kennedy Park and Raritan Bay Park. It is requested the Existing Facilities map be corrected to identify those properties as sewered. (David Samuel/Borough of Sayreville Engineer)

RESPONSE: The WMP Map Set #2 (Existing Wastewater Facilities and Service Areas) has been corrected as requested.

COMMENT #3: Commenter objects, on behalf of Heavenly Farms, Inc., to the deletion of the Heavenly Farms, Inc. site and surrounding areas from the current NJDEP approved sewer service area. Heavenly Farms, Inc. is the owner of a 150 acre site located in East Brunswick Township and designated as Block 320, Lots 3 and 4 with frontage on Dunham's Corner Road and Cranbury Road. The bulk of the site is actively farmed fields, with approximately 10 acres of wetland, some forested uplands, an old farmhouse, barns and outbuildings. The site is either currently served by or is located in close proximity to public water, public sewers and all other utilities. Approximately 48 acres of the site is zoned R-1 (1 dwelling unit per acre). As mandated by the Consent Order entered by Judge Eugene D. Serpentelli on July 12, 1984 in the matter of the Urban League of Greater New Brunswick et al. v. Mayor & Council of the Boro of Carteret, et al. (Docket No. c-4122-73), the balance of the site is zoned Manufactured Modular Housing (7 dwellings units per acre). Pursuant to an Order entered by Judge Wolfson in December 1999, East Brunswick's attempt to downzone significant portions of the Township (including the Heavenly Farms, Inc. site) to 6 acre minimum lots was stayed. The zoning of the site would allow approximately 550 single family detached dwelling units. The proposed WMP includes the site in an area where only sub-surface sewage discharge systems (septics) would be allowed. The maximum allowable discharge to groundwater from such facilities would be less than 20,000 gpd (sufficient for only 66 single family homes at 300 gpd per dwelling unit). (Harry Stadler)

RESPONSE: East Brunswick Township indicates that the lands in question are not presently served with sanitary sewers and are recommended by the Township Master Plan to remain as an unsewered area. The area provides drainage to the lakes which provide potable water supply to the City of New Brunswick. It is essential to maintain the quality of water through low density development in the watershed. The WMP proposed that this area of the Township to be designated as "Service area of facilities with planning flows of less than 2,000 gpd which discharge to groundwater". It

is not understood what the commenter means by the "maximum allowable discharge...less than 20,000 gpd" and the limitation of 66 units. The number of units allowed would be dictated by the zoning and suitability of the ground to adequately accommodate septic systems less than 2,000 gpd. The WMP itself does not set the 20,000 gpd or unit limit. The Township supports the WMP as proposed (see also comment number 6). The Department may not make changes to a proposal on adoption that are so substantial that they would effectively destroy the value of the original public notice. The Department does not believe that modification on adoption of the size and potential wastewater flow proposed would be appropriate in this case. The designation of the area has not been changed. The commenter may apply for consideration of a future plan amendment after all amendment application requirements of both the County and Department are met.

COMMENT 4: Commenter is pleased to see the WMP moving forward and supports approval of the comprehensive plan. Commenter also provided comments regarding the non-point source (NPS) pollutant loading analysis requirements. Commenter questions the need for the NPS pollutant analysis since the New Jersey Flood Hazard Area Control Act Regulations (N.J.A.C. 7:13-2.8) specifically mandate that all new stormwater discharges within the regulated floodplain or 25 to 50 feet from the top of the bank of a watercourse, whichever is greater, cannot degrade the water quality of the receiving watercourse as specified in the Surface Water Quality Standards.

Commenter also questions the need for the NPS analysis since all of the proposed sewer service area in Cranbury Township is within the Review Zone B of the Delaware and Raritan Canal Commission (DRCC). Any major project within the DRCC Review Zone B must be designed to protect water quality.

Commenter believes the export coefficients used for the annual loading of phosphorus expected from a site are not reflective of New Jersey, especially with regard to the relative loading differences amongst the identified land uses of forest, rural/agricultural and urban. Although the commenter believes the use of hypothetical export coefficients on a site-by-site or small sub-watershed basis is completely inappropriate and that the best way to properly control NPS pollutants from new development is through regulatory requirements such as N.J.A.C. 7:13-2.8, he offers numbers used in two US EPA studies as being more representative of the difference in phosphorus loadings from different land uses in New Jersey. This is so since the EPA studies were based upon sites in the

Eastern United States with specific data from sites in New Jersey and since the background concentration of phosphorus in New Jersey soils is high. (Anthony DiLodovico/Schoor DePalma)

RESPONSE: The County and Department thank the commenter for the support of the WMP. The New Jersey Flood Hazard Area Control Act addresses the volume of stormwater runoff from the project site but does not adequately address the quality of the stormwater runoff or the quantity of pollutants discharged under a storm event. Experience has shown that Water Quality Standards are not achieved in all instances when relying strictly on N.J.A.C. 7:13. The purpose of the DRCC Review is to ensure that an adequate riparian buffer zone is maintained. Again, the focus is not the quality of the stormwater runoff. The Department did accept the DRCC regulation protections as protective of the riparian corridor. This review did not support the NPS pollutant analysis. With respect to the export coefficients, the Department requests that applicants provide site specific data, if available, or perform a literature search for export coefficients that are reflective of their site. The Department reviews the analysis performed by the applicant and the basis for the coefficients utilized. In this case, the Department determined that the coefficients utilized were appropriate.

COMMENT 5: Commenter, on behalf of Matzel & Mumford Organization, has submitted a proposed amendment to the pending WMP for a proposed development project involving three noncontiguous parcels of property located in East Brunswick Township (Block 310, Lots 75, 79, 80, 81; Block 315.01, Lots 3, 6, and 29.05; and Block 313, Lots 3.14, 3.15, 5.03 and 5.04). The property consists of approximately 214 acres located between Farrington Lake and the New Jersey Turnpike north of Ireland Brook. The proposed development includes the construction of 61 single-family homes. The request proposes a change from "Service area of facilities with planning flows of less than 2,000 gpd which discharge to groundwater" to "Service area of facilities with planning flows of less than 20,000 gpd which discharge to groundwater". (Randy Kertes/Omni Environmental Corporation)

RESPONSE: The Department may not make changes to a proposal on adoption that are so substantial that they would effectively destroy the value of the original public notice. The Department does not believe that modification on adoption of the size and potential wastewater flow proposed would be appropriate in this case. The designation of the area has not been changed. The commenter may apply for consideration of a

future plan amendment after all amendment application requirements of both the County and Department are met.

COMMENT 6: Commenter expressed support for the Plan as proposed. The designated sewered and non-sewered areas are consistent with the Township's 1990 Master Plan, adopted Septic System Management Area Plan as well as the 1999 Land Use Plan Amendment. (William Neary, East Brunswick Township Mayor)

RESPONSE: The County and Department thank the commenter for the support of the WMP.

COMMENT 7: Commenter, representing Warren Township Sewerage Authority, objected to the proposed modifications of the service area and planning area between the Township of Green Brook and the Township of Warren. Subsequent communications between the parties resulted in the withdrawal of the initial objection. (Robert Goodsell/Post. Polak, Goodsell and MacNeil)

RESPONSE: The Department is glad to see that the involved entities were able to resolve this issue. No changes were needed to the WMP.

This amendment was evaluated in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. This evaluation determined the proposed expansion of the UWPM STP and proposed expansion of the sewer service area in Cranbury Township required additional analyses. UWPM provided additional information confirming that despite the proposed increase in wastewater to be discharged they are willing to accept permit limits holding the pollutant loadings at current permit levels. Since there would not be any increase in the pollutant loading discharged to the Cranbury Brook the anti-degradation analyses will not be triggered at this time. Cranbury Township provided additional information indicating that the riparian corridor was satisfactorily protected via Township ordinances and DRCC regulations. The Township also provided a quantitative analysis of the non-point source pollutant loading which demonstrated that the non-point source pollutant loading which can occur within the proposed expanded sewer service area is not greater than the current loading generated from the properties based on the change in land use type. A depletive/consumptive water use analysis was also completed for this area and demonstrated there were no significant water use issues.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. Additional issues which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.



Mary T. Sheil, Director

Division of Watershed Management

Department of Environmental Protection

5/1/01

Date