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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

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

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. 58:11A-et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15. The proposed amendment, identified as Woodhaven AACO (Program Interest No. 435463, Activity No. AMD240003), would expand the sewer service area (SSA) of the Middlesex County Utilities Authority Sewage Treatment Plant (MCUA STP) by 56.56 acres to include existing and proposed portions of the Woodhaven Village residential development. The proposed SSA is located on: Block 22001.14, Lots 14 (portion), 15-27, and 28 (portion) [Section 2-Phase 7]; Block 22001.23, Lots 16-38, portions of Lots 1, 14 and 15 [Section 2-Phase 6]; Block 22001.24, Lots 5-9, portions of Lots 1-4 [Section 2 – Phase 6]; Block 22001.26, Lots 2-19, portions of Lots 1, 20, and 21 [Section 2 – Phase 6]; Block 22001.21, Lot 1 (portion) [Section 2-Phase 4]; Block 22000, Lot 27.10 (portion) [Section 3]; and Block 24001, Lot 13 (portion) [Estates 2], within Old Bridge

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Township, Middlesex County. Section 2, Phases 4 and 7 consists of existing residential units which have already been built and are presently connected to and served by the MCUA sewer system. Section 2, Phase 6 consists of 55 proposed three bedroom or larger single-family homes. Section 3 consists of 154 proposed three bedroom or larger single-family homes, and Estates 2 consists of two proposed three bedroom or larger single-family homes. There are additional proposed homes located within the Estates 2 area; however, these are located within the currently adopted sewer service area and are not the subject of this amendment. The portions of the proposed project located outside of the SSA and not already connected would generate a projected wastewater flow of 63,300 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3 and be conveyed to the MCUA Sewage Treatment Plant (New Jersey Pollutant Discharge Elimination System (NJPDES) Permit #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 SSAs 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 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 but would

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generate a projected wastewater flow of 20,000 gpd or more and, thus, is subject to the wastewater capacity analysis modification requirement. The purpose of the modification is to demonstrate the MCUA STP has the available capacity to service the project. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing wastewater flow at the MCUA STP, calculated as the highest consecutive 12-month rolling average was determined to be 122.3 million gallons per day (MGD) (February 2023 – January 2024) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner <https://njems.nj.gov/DataMiner>. The MCUA STP is currently permitted to discharge up to 147 MGD under NJPDES Permit No. NJ0020141. As such, the MCUA STP currently has capacity for the proposed project.

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), (j), (k), and (l): environmentally sensitive areas (ESAs) identified pursuant to N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of any of the following features, alone, or in combination: endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One (C1) waters and their tributaries, or wetlands; coastal planning areas identified at N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions pursuant to 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 <https://gisdata-njdep.opendata.arcgis.com> and/or other information as noted below, to determine the presence

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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 a portion of the proposed Estates 2 SSA contains areas mapped as endangered or threatened wildlife species habitat for Bald Eagle (Rank 4 Foraging) 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. Pursuant to N.J.A.C. 7:15-4.4(j) the applicant submitted a Habitat Suitability Determination to rebut the presumption that the proposed project site is constrained for endangered and threatened species habitat. Upon review of the submittal, the Department determined the areas featured marginal habitat offering limited foraging opportunities due to being heavily forested and/or upland forest apart from the Matchaponix Brook. The Department determined that due to the marginal quality and minimal area within the significantly larger mapped Bald Eagle foraging complex any impacts would be insignificant and/or discountable to this habitat complex.
- 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

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watershed of any C1 waters based on the “Surface Water Quality Standards” GIS data layer, in accordance with 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 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)4, the applicant provided an amended administrative consent order (AACO) which includes the delineation of wetlands and wetlands transition areas, deed restricted areas, and addresses compliance with the Flood Hazard Area Control Act rules at N.J.A.C. 7:13.
- 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 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 site based on the U.S. Environmental Protection Agency (USEPA) list of New Jersey Grantees 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 and future land uses shown in adopted municipal or county master

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plans and other local land use objectives. Section 2 Phase 4 received Preliminary and Final Major Subdivision Approval for Application No.:47-17 P on May 1, 2018, memorialized on September 10, 2019, by the Old Bridge Township Planning Board. Section 2 Phase 6 received Preliminary and Final Major Subdivision Approval for Application No: 05-2021P on May 4, 2021, memorialized on July 6, 2021. Section 2 Phase 7 received Amended Preliminary and Final Major Subdivision Approval for Application No.:1-18P on March 6, 2018, memorialized on April 10, 2018. Section 3 received Preliminary Major Subdivision Approval for Application No.: 58-14P on September 10, 2019, memorialized on October 29, 2019. Estates 2 received Amended Preliminary Major Subdivision Approval for Application No.:77-2023P on February 22, 2024, memorialized on March 24, 2024. The Middlesex County Department of Planning notified the Department that it will not confirm or deny consistency of a proposed amendment with the county master plan until it updates its plan, which has been in effect since 1969.

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 this plan and the proposed amendment is located at:

Middlesex County Office of Planning

75 Bayard Street, 5th Floor

New Brunswick, New Jersey 08901

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AND

New Jersey Department of Environmental Protection

Division of Watershed Protection and Restoration

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Water Quality Management Planning Program

PO Box 420, Mail Code 501-02A

501 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 NJPDES Stormwater Permitting and Water Quality Management at (609) 633-7021.

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. A public hearing will be held by the County Commissioners on the proposed WQM Plan amendment. The public hearing will be held on February 12, 2025, at 2:00 p.m. in the Middlesex County Commissioners Public Meeting Room, 1st Floor, of the Middlesex County Administration Building at 75 Bayard Street, New Brunswick, New Jersey. For additional information, please see the Middlesex County web page at:

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<https://middlesexcountynj.primegov.com/public/portal?fromiframe=true&&committee=47>

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 and to the county at the following address:

Mr. Nicholas Tufaro

Middlesex County Office of Planning

75 Bayard Street – 5th Floor

New Brunswick, New Jersey 08901

Comments should reference Program Interest No. 435463, Activity No. AMD240003 and must be submitted within 15 days after the public hearing.

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. AMD240003 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 issue of the New Jersey Register and the comment period will be extended to 15 days after the public hearing. All comments

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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 since 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.

11/21/2024

Date

A handwritten signature in blue ink that reads "Gabriel Mahon". The signature is written in a cursive style with a horizontal line underneath it.

Gabriel Mahon, Bureau Chief
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Division of Watershed Protection and Restoration
NJ Department of Environmental Protection