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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

OFFICE OF POLICY AND TECHNICAL DEVELOPMENT

Notice of Administrative Corrections to Proposed Amendment to the Lower Raritan/Middlesex County Water Quality Management Plan

Take notice that the Department of Environmental Protection (Department) is making administrative corrections to the Department's proposed amendment to the Lower Raritan/Middlesex County Water Quality Management (WQM) Plan, identified as Woodhaven Amended Administrative Consent Order and published in the January 6, 2025, New Jersey Register. See 57 N.J.R. 93(a) (Jan. 6, 2025). These corrections will: 1) notice that the proposed amendment to the Lower Raritan/Middlesex County Water Quality Management (WQM) Plan as described in the January 6, 2025 notice is withdrawn by letter from Woodhaven Village dated January 8, 2025; 2) clarify that the Department has begun the process to revise the Lower Raritan/Middlesex County WQM Plan to effectuate the reinstated sewer service area (SSA); 3) cancel the public hearing currently scheduled for February 12, 2025; 4) continue the public comment period until February 24, 2025. These corrections are explained below.

In March 2015, the Department adopted an amendment to the Lower Raritan/Middlesex County WQM Plan that amended the SSA in Middlesex County. See 46 N.J.R. 2115(d) (Oct. 20,

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2014), 47 N.J.R. 733(b) (Apr. 6, 2015). The 2015 amendment, in part, removed portions of the Woodhaven Village residential development project from the SSA identified in the WQM Plan. In a case captioned Woodhaven Village Inc. v. New Jersey Department of Environmental Protection, MID-L-1330-22, on November 12, 2024, the court found that an August 2009 Amended Administrative Consent Order (2009 AACO) entered by Woodhaven Village and the Department “oblig[ed] DEP to permanently retain the entirety of Woodhaven’s Old Bridge New Jersey development project identified in the AACO within then-approved Water Quality Management Plan Sewer Service Area, subject to all other applicable State, county and local regulatory approvals.” (parenthetical abbreviations removed). The court ordered that the removal was “null and void” and “of no legal force and effect, at all relevant points in time” because of the 2009 AACO. Thereby, the court “further adjudged and declared that no further WQMP Amendment application review and approval process shall be required of Woodhaven by DEP in order to further effectuate WQMP and SSA reinstatement of the removed portion of the SSA.” The removed portion of the SSA is thereby reinstated (reinstated SAA).

As a mechanism to effectuate the reinstatement and provide notice to affected entities and the public under the unique circumstances of the court order pursuant to the Water Quality Management Act, N.J.S.A. 58:11A, the Administrative Procedure Act, N.J.S.A. 52:14B, and the Water Quality Management Planning Rules, N.J.A.C. 7:15, the Department continued the site-specific amendment procedure initiated by Woodhaven’s submitted application for the

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reinstated SSA, pursuant to N.J.A.C. 7:15-3.5. On December 12, 2024, the Department communicated to Woodhaven by letter that it would post public notice in the New Jersey Register on January 6, 2025, in the normal course. The public notice was published on January 6, 2025, accurately describing the reinstated portions of the SSA. See 57 N.J.R. 93(a) (Jan. 6, 2025). On January 8, 2025, the Department received a letter from Woodhaven Village withdrawing its amendment application.

Due to the withdrawal of Woodhaven Villages's site-specific amendment application, the Department cannot take action on the amendment as noticed on January 6, 2025. The scheduled Middlesex County Board of County Commissioners public hearing is hereby cancelled. Because the Department requires a mechanism to update its mapping upon notice to affected entities, the Department is providing notice of the reinstated SSA through a WQM Plan revision pursuant to N.J.A.C. 7:15-3.4.

Because the Water Quality Planning Act at N.J.S.A. 58:11A-8 emphasizes "informing the public and involving it in the water quality management planning process" by providing "[o]ppportunities for meaningful public participation," the Department will continue to hold a public comment period concerning the reinstated SSA as initiated in the January 6, 2025 public notice. Any comments received by the Department from affected entities pursuant to N.J.A.C. 7:15-3.4(f) and during the public comment period would allow the Department to address comments related to any technical issues. Affected entities and the public should be aware that

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the SSA is reinstated due to the court order, and the Department will abide by the court order.

The Department's revised public notice for the comment period is set forth below:

This notice is to inform the public of the reinstated designation as SSA which will be reflected in a revision of the Lower Raritan/Middlesex County WQM Plan. As noticed and described in the January 6, 2025, public notice for the prior amendment (see 57 N.J.R. 93(a) (Jan. 6, 2025)), all information related to this plan and the reinstated SSA is located at:

New Jersey Department of Environmental Protection

Watershed and Land Management

Office of Policy and Technical Development

Water Quality Management Planning Unit

PO Box 420, Mail Code 501-01A

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 Office of Policy and Technical Development, Water Quality Management Planning Unit at (609) 633-7021.

Interested persons may submit written comments on the reinstatement to the Department at the address cited above or at the email: wqmp.publiccomments@dep.nj.gov .

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Comments should reference Program Interest No. 435463, Activity No. REV250001 and must be submitted on or before February 24, 2025

The reinstated SSA 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.

1/9/2025

Date

SIGNED

Jason Kane, Assistant Director
Office of Policy and Technical Development
Watershed & Land Management
New Jersey Department of Environmental Protection