

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE May 6TH NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

## **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 **March 28, 2019**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Statewide Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment (Program Interest No. 435463, Activity No. AMD180002) to the Lower Raritan/Middlesex County Water Quality Management (WQM) Plan. This amendment expands the sewer service area (SSA) of the Middlesex County Utilities Authority (MCUA) by 0.4 acres to serve the developed portion of a residential property on Block 11.01, Lot 1.02, Franklin Township, Somerset County. The 6.4-acre property, identified as "Roy Satchell," includes a 0.4-acre developed portion with an existing 4-bedroom, single-family home and barn with an exercise room and shower facility, which is currently served by a septic system and would generate a projected wastewater flow of 300 gallons per day (gpd) to be received by the MCUA wastewater treatment facility (WTF) NJPDES No. NJ0020141, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. This portion of the property is immediately adjacent to the existing SSA and an existing sanitary sewer and manhole operated by the Franklin Township Sewerage Authority is located directly in front of the existing residence. The remaining six acres of the property are not included in the expanded SSA. The remaining six acres of the property will remain outside of the SSA and the rear portion of the property will be deed restricted against future development in accordance with the Township Resolution. The Department determined that there are no environmental sensitive areas (i.e. wetlands, Category 1 (C1) waters, Natural Heritage Sites, or endangered and threatened species wildlife habitat) located within the expanded SSA.

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Preliminary notice of this amendment was published in the New Jersey Register on December 17, 2018 at 50 N.J.R. 2562(a) and a public hearing was held by Middlesex County Board of Chosen Freeholders, the designated planning agency for the Lower Raritan/Middlesex County WQM planning area, on January 16, 2019. No comments were received during the public comment period or at the hearing.

The proposed 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, 4.4 and 4.5, 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 SSA 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 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 amendment will add less than 100 acres and will generate less than 20,000 gpd of wastewater; therefore, update of the wastewater treatment 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 Franklin Township, Middlesex and Somerset Counties, and the MCUA. A statement of consent from a governmental entity must be in the form of a resolution adopted by the entity's governing body. Franklin Township adopted Resolution #18-95 on March 13, 2018 approving the amendment. The Middlesex County Board of Chosen Freeholders adopted Resolution 19-308-R on March 7, 2019 approving the amendment. The Somerset County Planning Board adopted "Resolution Concerning an Amendment to the Somerset County Wastewater Management Plan for 343 Bunker Hill Road (Satchell), Township of Franklin, Somerset County" on January 15, 2019 consenting to the proposed

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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 (C1) 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 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 expanded SSA does not contain any areas mapped as threatened and endangered wildlife species habitat Ranks 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 expanded 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 expanded SSA does not contain any 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.

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- The Department determined that the expanded SSA does not contain any wetlands based on the “Wetlands 2012” GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4.
- The Department determined that the expanded 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).
- 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 and determined that the expanded SSA is consistent with land uses allowed by local zoning and the county and local master plans. This determination is supported by the aforementioned resolutions adopted by Franklin Township, Middlesex County, and Somerset County.

Sewer service is not guaranteed by this amendment. This amendment 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.

3/28/2019

Date

SIGNED

Bruce S. Friedman, Director

Division of Water Monitoring and Standards

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