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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 June 7, 2019, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-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. AMD170001) to the Lower Raritan/Middlesex County Water Quality Management (WQM) Plan and Wastewater Management Plan (WMP). This amendment expands the Middlesex County Utilities Authority sewer service area (SSA) by 16.5 acres to serve a proposed mixed-use development on portions of Block 20001, Lots 16 and 18, Old Bridge Township, Middlesex County. The proposed project, identified as "Woodhaven Village Section OC-7", consists of 125 age-restricted one-bedroom apartments, 125 age-restricted two-bedroom apartments, 15,000 square feet of retail space, and 35,000 square feet of office space and would generate a projected wastewater flow of 40,000 gallons per day (gpd) to be received by the Middlesex County Utilities Authority Sewage Treatment Plant NJPDES Permit #NJ0020141, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. Preliminary notice was published in the New Jersey Register on December 3, 2018 at 50 N.J.R. 2430(b) and a public hearing was held by Middlesex County, as the Designated Planning Agency, on January 23, 2018. 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, 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 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 would generate a projected wastewater flow of 40,000 gpd, based on flow calculations in accordance with N.A.C. 7:14A-23.3, to be received by the Middlesex County Utilities Authority Sewage Treatment Plant (STP). The Middlesex County Utilities Authority STP is currently permitted to discharge up to 147 million gallons per day (mgd) under New Jersey Pollutant Discharge Elimination System (NJPDES) permit NJ0020141. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing wastewater flow is the highest consecutive 12-month rolling average flow during the five-year period preceding the amendment application (March 2012 to March 2017), which was calculated to be 108 MGD (June 2013 to May 2014) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner (<https://www13.state.nj.us/DataMiner#>). The additional flow from the proposed project should not cause the facility to exceed its permitted capacity; therefore, no additional wastewater treatment plant capacity analysis is 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, Old Bridge Township and the Middlesex County Board of Chosen Freeholders. A statement of consent from a governmental entity

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must be in the form of a resolution adopted by the entity's governing body. The Middlesex County Utilities Authority adopted Resolution WW-12-18-7-R on December 20, 2018 in support of the proposed amendment. Old Bridge Township issued a letter on November 13, 2018 in support of the proposed amendment. The Middlesex County Board of Chosen Freeholders adopted resolution 19-309-R on March 7, 2019 in support of the proposed amendment.

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 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 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 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.

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- The Department determined that the expanded 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 does contain wetlands based on the “Wetlands 2012” GIS data layer; however, in accordance with N.J.A.C. 7:15-4.4(e)4, the applicant provided amended Administrative Consent Order File No. 1209-05-0027.1 NEA080001, which references the applicant’s site plan entitled “Texas Road Plaza III Township of Old Bridge Middlesex County, New Jersey Overall Plan” and, serving as a Letter of Interpretation, confirms that there are no wetlands in the expanded SSA for this project.
- 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. On April 4, 2017, the Old Bridge Township Planning Board issued a resolution granting conditional approval of the project, cited as “Woodhaven Village - Second Amended GDP Application No. 56-16p”. The Middlesex County

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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. This amendment represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA resulting from 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.

6/7/19

SIGNED

Date

Bruce S. Friedman, Director
Division of Water Monitoring and Standards