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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 May 28, 2020 pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment to the Lower Raritan/Middlesex County Water Quality Management (WQM) Plan. The amendment (Program Interest No. 435463, Activity No. AMD160003) expands the sewer service area (SSA) of the Middlesex County Utilities Authority Sewage Treatment Plant (STP) by 60.08 acres to serve a proposed residential development on Block 25, Lot 1 (portion), Cranbury Township, Middlesex County. The proposed project, identified as “Cranbury-Dey Road”, consists of 174 three-bedroom age-restricted single family homes, a 3,000 square foot recreation building and a swimming pool that would generate a projected wastewater flow of 42,060 gallons per day (gpd), based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, to be received by the Middlesex County Utilities Authority Sewage Treatment Plant STP (NJPDES (New Jersey Pollutant Discharge Elimination System) Permit #NJ0020141). Preliminary notice was published in the New Jersey Register on December 2, 2019 at 51 N.J.R. 1801(a) and the Department received one comment during the comment period. The comment and the Department’s response are below.

This notice represents the Department’s determination that the amendment is compliant with the applicable regulatory criteria at N.J.A.C. 7:15, as described below.

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In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of the eligible sewer service area 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 add 60.08 acres to the SSA and would generate a projected wastewater flow of 42,060 gpd (0.04206 million gallons per day (mgd)), based on flow calculations in accordance with N.A.C. 7:14A-23.3, to be received by the Middlesex County Utilities Authority STP. The Middlesex County Utilities Authority STP is currently permitted to discharge up to 147 mgd under 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 (November 2011 to November 2016), which was calculated to be 134.08 mgd in January 2012, 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 Cranbury Township, the Middlesex County Utilities Authority, and the Middlesex County Board of Chosen Freeholders. Cranbury Township adopted Resolution R# 11-19-151 on November 25, 2019, consenting to the proposed amendment. The Middlesex County Utilities Authority adopted Resolution WW-12-19-15-R on December 17, 2019, consenting to the proposed amendment. The Middlesex County Board of Chosen Freeholders adopted Resolution 19-380-R on March 5, 2020, approving the proposed amendment.

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Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as sewer service areas, 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 sewer service area does not contain any areas mapped as threatened and endangered wildlife species habitat 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 sewer service area 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 sewer service area 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.
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- The Department determined that the expanded sewer service area does not contain any wetlands based on the “Wetlands 2012” GIS data layer and confirmed by Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #1202-16-0002.1 FWW160001.
- The Department determined that the expanded sewer service area 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. Cranbury Township adopted zoning ordinance number 07-16-12 on July 11, 2016. This ordinance established a new Planned Adult Residential Overlay Zone which allows the proposed project to be consistent with the Township’s zoning code. The Middlesex County Department of Planning has notified the Department that it will not confirm or deny consistency of any proposed amendment with the county master plan until it updates its plan, which has been in effect since 1969.

COMMENT: The proposed amendment application does not meet the requirements of the Water Quality Management Planning Rules pursuant to N.J.A.C. 7:15-4.4, as it includes 33 acres of area considered to be wetlands and should be denied. The parcel is also bounded by the Cedar Brook and a

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tributary. The presence of these streams illustrate why this site is a sensitive environmental resource area and is not suitable for a sewer service area designation. (Michael Pisauro, Jr., Esq., Policy Director, The Watershed Institute).

RESPONSE: As was described in the preliminary notice for this project, the applicant submitted a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification, pursuant to N.J.A.C. 7:15-4.4(j)3, to rebut the presumption that the property was constrained for wetlands. A review of the LOI map shows that the expanded sewer service area does not contain any wetland areas and there is no development proposed for any wetland areas on the property. The Cedar Brook (FW2-NT) and its tributary are not located within the expanded sewer service area, and the proposed project observes all applicable riparian buffer zone requirements that apply to these waterways.

Sewer service is not guaranteed by adoption of this amendment since it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area as a result of the 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 agencies with jurisdiction over this project/activity.

May 28, 2020

Date

SIGNED

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