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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Lower Raritan/Middlesex County Water Quality Management

Plan

Public Notice

Take notice that on August 4, 2021, 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, identified as “Metro 12/Carteret Logistics Center” (Program Interest No. 435463, Activity No. AMD180005) expands the sewer service area (SSA) of the Middlesex County Utilities Authority (MCUA) Sewage Treatment Plant (STP) by 25.9 acres to serve a proposed commercial development located on Block 602, Lot 1 (portion) and Block 705, Lot 18 (portion), in Carteret Borough, Middlesex County. The proposed project consists of three warehouse/office buildings: a 469,700 square foot (sq. ft.) warehouse with 10,000 sq. ft. of office space; a 322,620 sq. ft. warehouse with 12,000 sq. ft. of office space; and a 346,300 sq. ft. warehouse with 8,800 sq. ft. of office space. As calculated in accordance with N.J.A.C. 7:14A-23.3, the proposed

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amendment portion of the project will generate a projected wastewater flow of 31,547 gallons per day (gpd), based on 30,800 sq. ft. of office space and 1,139 warehouse employees, to be received by the MCUA STP (New Jersey Pollutant Discharge Elimination System (NJPDDES) Permit No. NJ0020141).

Preliminary notice was published in the New Jersey Register on April 19, 2021, at 53 N.J.R. 647(a) and a public hearing was held by Middlesex County, as the Designated Planning Agency, on June 9, 2021. No comments were received during the public comment period. 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. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from Carteret Borough and the MCUA. Carteret Borough adopted Resolution 21-86 on May 6, 2021, consenting to the proposed amendment. The MCUA adopted Resolution WW-5-21-13-R on May 25, 2021, consenting to the proposed amendment. The Middlesex County Board of County Commissioners, as the Designated WQM Planning Agency, adopted Resolution 21-910-R on July 15, 2021, approving the proposed amendment.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations to 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

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gpd or more of wastewater flow 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 generate a total projected wastewater flow of 20,000 gpd or more and is thus subject to a wastewater capacity analysis modification. The purpose of the modification is to demonstrate that MCUA 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 is the highest consecutive 12-month rolling average during the five-year period (January 2016 to December 2020), which was calculated to be 120.59 mgd (February 2018-January 2019) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner (<https://www.13.state.nj.us/DataMiner#>). The MCUA STP is currently permitted to discharge up to 147 mgd under NJPDES Permit No. NJ0020141. As such, the MCUA has capacity to accommodate the additional flow from the proposed project.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSA, except as otherwise provided at N.J.A.C. 7:15-4.4(i), (j), (k) and (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of any of the following, 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 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

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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), (f) and (g) and made the following findings:

- The Department determined that the expanded SSA contains areas mapped as endangered or threatened 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's review determined that the site is mapped as Rank 4 habitat for Bald Eagle, Yellow Crowned Night Heron, Black Crowned Night Heron and Cattle Egret. Pursuant to N.J.A.C 7:15-4.4(j)4, the applicant submitted a request for a waiver of the requirement to submit a Habitat Suitability Determination (HSD) as required under N.J.A.C. 7:15-4.4(j)2. The basis of the request was that there is no longer any potential habitat on the property as the site had been covered by the placement of an impermeable, engineered cap of remediated soils pursuant to the provisions of a site remediation project that had received Department permits. The Department concurred with the waiver request's finding that the site is no longer potential habitat, and that the submission of a HSD pursuant to N.J.A.C. 7:15-4.4(j)2 would not be required.

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- 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 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)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File # 1201-20-0001.1 LLI200001 confirming that there are no wetlands within the expanded sewer service area.
- The Department determined that the expanded 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 based on the U.S. Environmental Protection Agency list of New Jersey Counties

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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, future land uses shown in adopted municipal and county master plans, and other local land use objectives. The Carteret Borough Planning Board issued a resolution (unnumbered Application No. PB-20-01) on September 30, 2020, granting Preliminary and Final Major Site Plan approval. The Carteret Borough Zoning Officer issued a letter dated April 5, 2018, stating that the proposed project is consistent with the land uses identified in the Borough's land use ordinance and master plan. 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.

Sewer service is not guaranteed by adoption of this amendment as 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.

8/4/2021

Date

Handwritten signature of Gabriel Mahon in blue ink.

Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Division of Watershed Protection and Restoration

NJ Department of Environmental Protection