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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 6, 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 Scotto Property (Program Interest No. 435463, Activity No. AMD190002), expands the Middlesex County Utilities Authority (MCUA) sewer service area (SSA) by 3.24 acres to serve a proposed residential development on a portion of Block 37, Lot 12.14, South Brunswick Township, Middlesex County. The proposed project consists of six four-bedroom single-family homes and would generate a projected wastewater flow of 1,800 gallons per day (gpd) to be received by the MCUA Sewage Treatment Plant, New Jersey Pollutant Discharge Elimination System (NJPDES) Permit #NJ0020141, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

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A public notice regarding this proposed amendment was published in the December 2, 2019, New Jersey Register at 51 N.J.R. 1805(a) announcing a public hearing to be held by Middlesex County on February 5, 2020. However, the public hearing was not held on that date due to procedural issues. The public hearing was rescheduled for March 18, 2020, as announced in a revised public notice that was published in the February 3, 2020, New Jersey Register at 52 N.J.R. 168(a). However, the March 18, 2020, public hearing was cancelled by Middlesex County due to the Statewide COVID-19 health emergency.

Preliminary notice was published in the New Jersey Register on November 16, 2020, at 52 N.J.R. 2068(b) and a public hearing was held by Middlesex County, as the Designated Planning Agency, on January 13, 2021. No comments were received during the public comment period. 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.

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 South Brunswick Township and the MCUA. South Brunswick Township adopted Resolution 2020-129 on February 25, 2020, consenting to the proposed amendment. The MCUA adopted Resolution WW-2-20-9-R on February 25, 2020, consenting to the proposed amendment. The Middlesex County Board of County Commissioners, as the Designated WQM Planning Agency, adopted Resolution 21-336-R on March 4, 2021, approving the proposed amendment.

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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 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 involves less than 100 acres and will generate less than 20,000 gpd of wastewater flow; therefore update of the wastewater treatment plant capacity analysis is not required.

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), (j), (k), and (l): environmentally sensitive areas (ESAs) identified pursuant to N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of any of the following features, 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 pursuant to N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions pursuant to 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

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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 does not contain any areas mapped as endangered and threatened 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.
- The Department determined that the expanded SSA does not contain any 300-foot riparian zones of Category One (C1) waters and their upstream tributaries situated within the same HUC-14 watershed based on the "Surface Water Quality Standards" GIS data layer in accordance with 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 proposed 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 has provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File # 1221-16-0004.1 FWW160001 confirming that there are no wetlands within the expanded sewer service area.

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- 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 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 site based on the U.S. Environmental Protection Agency 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 adopted zoning ordinances, future land uses shown in adopted municipal or county master plans, and other local land use objectives. On April 14, 2009, the South Brunswick Township Council adopted Resolution 2009-14 which re-zoned the property to R-3 (Single Family Residential zone). The South Brunswick Township Planning Board issued a resolution for file No. 15-046 on December 12, 2018, granting Preliminary and Final Major Subdivision Approval. South Brunswick Township does not require subsequent site plan approval for the proposed project. On June 4, 2019, the South Brunswick Township Planner issued an email stating that the proposed project is consistent with the South Brunswick Township master plan. The Middlesex County Department of Planning has notified the Department that it will not confirm or deny

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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 since 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.

8/6/2021

Date

SIGNED

Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Division of Watershed Protection and Restoration

NJ Department of Environmental Protection