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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 December 17, 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. This amendment, identified as the Elion Partners Proposed Office/Warehouse (Program Interest No. 435463, Activity No. AMD200003) expands the sewer service area (SSA) of the Middlesex County Utilities Authority (MCUA) sewage treatment plant (STP), New Jersey Pollution Discharge Permit (NJPDES) No. NJ0020141, by 1.6 acres on a portion of Block 88.02, Lot 13, in Franklin Township, Somerset County. The proposed project site is 61.2 acres, of which approximately 48.8 acres are currently designated as within the SSA of the MCUA STP. The expanded SSA allows for the development of a 425,250 square foot (sf) warehouse building with a 21,600 sf of office space and a 118,800 sf warehouse building with 7,500 sf of

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office space. The project will generate a projected wastewater flow of 9,410 gallons per day (gpd) as calculated in accordance with N.J.A.C. 7:14A-23.3.

Preliminary notice of this amendment was published in the New Jersey Register on May 17, 2021, at 53 N.J.R. 949(b) and a public hearing was held by Middlesex County, as the Designated Planning Agency, on July 14, 2021. No comments were received during the 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 the MCUA, Somerset County Board of County Commissioners, Franklin Township, and the Delaware and Raritan Canal Commission. On June 22, 2021, MCUA passed Resolution: WW-6-21-7-R consenting to the project. Somerset County Planning Board, acting on behalf of the of Somerset County Commissioners, adopted a resolution on June 15, 2021, consenting to the amendment. On October 26, 2021, Franklin Township confirmed that the previously adopted November 10, 2020 Resolution #20-373 represents Franklin Township's support for the amendment. Delaware and Raritan Canal Commission, although contacted by the applicant requesting consent of the proposed amendment did not voice a stance on the project. As the Designated Planning Agency, Middlesex County Board of County Commissioners adopted Resolution #21-1125-R on September 2, 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 alternations 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 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 and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment capacity analysis is not required.

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 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, 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 at 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 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:

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- The Department determined that the SSA does not contain any 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 determined that the 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 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 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 /Line Verification File #1808-05-0012.3; FWW190001 confirming that there are no wetlands within the expanded SSA.
- The Department determined that the 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).

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- 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 Grantees 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 project is located within the M-2 Light Industrial zone of Franklin Township, and warehouses are a permitted use within this zone. The Somerset County Planning Department issued a letter dated May 21, 2020, stating that the project is consistent with the Somerset County Master Plan.

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.

12/17/2021

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