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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

Take notice that on November 21, 2024, 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 “SEI Cutters Dock/Pennval Warehouse/Stalwart-Woodbridge” (Program Interest No. 435463, Activity No. AMD210003), expands the sewer service area (SSA) of the Middlesex County Utilities Authority (MCUA) Sewage Treatment Plant (STP) by 0.48 acres to serve a proposed commercial development located on Block 531.01, Lot 1 (portion), in Woodbridge Township, Middlesex County. The proposed amendment project consists of a 348,533 square foot (sq. ft.) gross floor area warehouse building of which 21,080 sq. ft. is office space. The proposed development also includes a second proposed warehouse building; however, this building is located within the currently adopted SSA and is not the subject

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of this amendment. As calculated in accordance with N.J.A.C. 7:14A-23.3, the proposed amendment portion of the project will generate a projected wastewater flow of 14,708 gallons per day (gpd), based on 21,080 sq. ft. of office space and 168 warehouse employees on each of three shifts, to be received by the MCUA STP (New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0020141).

Preliminary notice was published in the New Jersey Register on June 17, 2024, at 56 N.J.R. 1123(a) and a public hearing was held by Middlesex County, as the Designated Planning Agency, on July 24, 2024. No comments were received during the 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 the Rahway Valley Sewerage Authority (RVSA), Woodbridge Township and the MCUA. The RVSA issued a letter on June 5, 2024, stating that the RVSA does not have an interest in the proposed amendment and would not provide a resolution consenting to the amendment. Woodbridge Township adopted a resolution (unnumbered) on June 25, 2024, consenting to the proposed amendment. The MCUA adopted Resolution WW-8-24-4-R on August 27, 2024, consenting to the proposed amendment. The Middlesex County Board of County Commissioners, as the Designated WQM Planning Agency, adopted Resolution 24-1209-R on September 19, 2024, 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 SSAs 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 upstream 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 <https://gisdata-njdep.opendata.arcgis.com> and/or other information as noted below, to determine the presence

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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 Rank 3 habitat for Black Crowned Night Heron and Cattle Egret 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. Pursuant to N.J.A.C. 7:15-4.4(j)4, the applicant submitted the Environmental Report section of their Freshwater Wetlands Individual Permit Application to rebut the presumption that the proposed project site is constrained for endangered and threatened species habitat. Upon review and based on the previous site inspection and assessment that had been performed for the Freshwater Wetlands Letter of Interpretation (LOI), the Department determined that the proposed project site does not feature suitable habitat and a Habitat Suitability Determination (HSD), submitted in accordance with the provisions at N.J.A.C. 7:15-4.6, would not be required.
- 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

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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 (LOI)/ Line Verification (File #1225-06-0011.2/FWW200001) confirming that wetlands exist within the expanded SSA. The applicant has obtained a Waterfront Individual Permit and a Freshwater Wetlands Individual Permit File No. 1225-06-0011.5 LUP200001 issued January 21, 2022, and U.S. Army Corps of Engineers Wetlands Permit (NAN-2022-00125) issued January 10, 2024, to fill the wetland area within the expanded SSA.
- 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 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). The proposed project will convey wastewater through the Woodbridge Township

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interceptor and force main system which is subject to a Federal ESA grant condition included in the grant agreement executed between Woodbridge Township and USEPA under project numbers C-34-326 and C-34-433. The ESA grant condition prohibits any sewer connection to Federally funded facilities from any sewage generating structure located on a parcel of property containing wetlands and/or floodplains unless a mapping waiver is obtained from USEPA. A partial grant waiver was issued by the USEPA to the MCUA on February 1, 2024.

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 Woodbridge Township Planning Board issued Resolution #P20-20 on December 16, 2020, granting Preliminary and Final Major Subdivision and Preliminary and Final Major Site Plan approval. The Woodbridge Township Director of Planning and Development issued a letter dated June 30, 2021, stating that the proposed project is consistent with Township's master plan and zoning ordinance. 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 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

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permits, approvals, or certifications required by any Federal, State, county, or municipal review agency with jurisdiction over this project/activity.

11/21/2024

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