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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Lower Raritan/Middlesex County Water Quality Management Plan

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Lower Raritan/Middlesex County Water Quality Management (WQM) Plan in accordance with 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 proposed amendment, identified as “SEI Cutters Dock/Pennval Warehouse/Stalwart-Woodbridge” (Program Interest No. 435463, Activity No. AMD210003) would expand 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 presently 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).

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. 7:15-3.3(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 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

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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 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 proposed 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

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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 proposed 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 proposed 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 (LOI)/ Line Verification (File #1225-06-0011.2/FWW200001) confirming that wetlands exist within the proposed 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 proposed SSA.
- The Department determined that the proposed SSA does not contain any areas mapped as Fringe Planning Areas, Rural Planning Areas, or Environmentally Sensitive Planning Areas

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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 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

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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.

This notice is to inform the public that a plan amendment has been proposed for the Lower Raritan/Middlesex County WQM Plan. All information related to this plan and the proposed amendment is located at:

Middlesex County Department of Planning
75 Bayard Street, 5th Floor
New Brunswick, New Jersey 08901

AND

New Jersey Department of Environmental Protection
Division of Watershed Protection and Restoration
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Water Quality Management Planning Program
PO Box 420, Mail Code 501-02A
501 East State Street
Trenton, New Jersey 08625-0420

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The Department's file is available for inspection between 9:00 A.M. and 4:00 P.M., Monday through Friday, upon request. An appointment to inspect the file must be arranged by calling the Bureau NJPDES Stormwater Permitting and Water Quality Management at (609) 633-7021.

The Middlesex County Board of County Commissioners, as the designated planning agency, requires that a public hearing be held for all WQM plan amendments under its jurisdiction. The public hearing on the proposed WQM Plan amendment will be held on July 24, 2024, at 5:30 p.m. in the Middlesex County Commissioners Public Meeting Room, 1st Floor, of the Middlesex County Administration Building at 75 Bayard Street, New Brunswick, New Jersey. For additional information, please see the Middlesex County web page at:

<https://middlesexcountynj.primegov.com/public/portal?fromiframe=true&&committee=47>

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above or at the email: wqmp.publiccomments@dep.nj.gov and to the County at the following address:

Mr. Nicholas Tufaro

Middlesex County Department of Planning

75 Bayard Street – 5th Floor

New Brunswick, New Jersey 08901

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Comments should reference Program Interest No. 435463, Activity No. AMD210003 and must be submitted within 15 days after the public hearing.

Interested persons may request in writing that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435463, Activity No. AMD210003 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined at N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future issue of the New Jersey Register and the comment period will be extended to 15 days after the Department's public hearing. All comments submitted prior to the close of the comment period shall be considered by the County and the Department before making a final decision on the proposed amendment.

Sewer service is not guaranteed should this amendment be adopted 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.

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5/3/2024

Date



Gabriel Mahon, Bureau Chief
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Division of Watershed Protection and Restoration
NJ Department of Environmental Protection