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## **PUBLIC NOTICE**

### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

### **WATER RESOURCE MANAGEMENT**

### **DIVISION OF WATER MONITORING AND STANDARDS**

### **Adopted Amendment to the Atlantic County Water Quality Management Plan**

#### **Public Notice**

**Take notice** that on June 7, 2019 pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Statewide Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment (Program Interest No. 435445, Activity No. AMD180001) to the Atlantic County Water Quality Management Plan. This amendment expands the Atlantic County Utilities Authority (ACUA) sewer service area (SSA) by 30.1 acres to serve proposed public restroom facilities at both Gabriel Memorial Fields, located on Block 647, Lot 7, and at Tartaglio Park, located on a portion of Block 473, Lot 13, Galloway Township, Atlantic County. The proposed project, identified as "Galloway Township Athletic Fields," would generate a total projected wastewater flow of 10,845 gallons per day (gpd), based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, to be received by the ACUA Wastewater Treatment Facility, NJPDES No. NJ0024473. Preliminary notice was published in the New Jersey Register on November 5, 2018 at 50 N.J.R. 2263(a) and a public hearing was held by Atlantic County, as the designated planning agency, on December 19, 2018. No comments were received during the comment period or at the public hearing. This amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department's determination that the

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amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.3, 3.5, 4.4 and 4.5, as described below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of 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 that would generate 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 capacity analysis is not required.

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 Galloway Township, Atlantic County and the ACUA. On November 13, 2018, Galloway Township adopted Resolution 309-18 in support of the proposed amendment. On March 15, 2019, the Atlantic County Board of Chosen Freeholders adopted Ordinance No. 2 of 2019 in support of the proposed amendment. On December 15, 2016, the ACUA adopted Resolution 18-12-277 in support of the proposed amendment.

The proposed project is located in the Pinelands Area, as defined in the Pinelands Protection Act, N.J.S.A. 13:18A11. Pursuant to N.J.A.C. 7:15-4.4(b), sewer service may only be provided to projects in the Pinelands Area that are located in Regional Growth Areas, Pinelands Towns, Pinelands Villages, and substantially developed portions of a Military and Federal Installation Area, as established within the Pinelands Comprehensive Management Plan (CMP), N.J.A.C. 7:50, or in any other area approved by the Pinelands Commission as appropriate for the development of centralized wastewater treatment and collection facilities where the Department concurs. On October 13, 2017, the Pinelands Commission

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adopted Resolution PC4-17-35, which certified that Galloway Township's amended Land Use Ordinances 1969-2017 and 1970-2017 were consistent with the Pinelands CMP. These ordinances added certain parcels, including the proposed project site, into a "R5C Cluster Overlay District" and also imposed certain deed restriction requirements; however, the Pinelands Commission has specified that the deed restriction requirements should not be implemented through the plan amendment process and that the deed restriction requirement is not triggered until the Township applies to and receives approval from the Pinelands Commission for actual development of the restroom facilities and associated new sewer line. The exact amount of land to be deed restricted is dependent on the size of the proposed new facilities and can only be determined by the Pinelands Commission when they receive an application to review.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as sewer service areas, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One 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 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) through (g) and made the following findings:

- The Department determined that the expanded SSA does not contain any areas mapped as endangered or threatened wildlife species habitats Rank 3, 4 or 5 on the Department's Landscape

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Maps of Habitat for Endangered, Threatened or Other Priority Wildlife based on the "Landscape Project Data" Version 3.3 GIS data layers.

- 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.
- The Department determined that the expanded SSA does not contain any Category One (C1) waters or their 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.
- The Department determined that the expanded SSA does not contain any wetlands based on the "Wetlands 2012" GIS data layer.
- The Department determined that the expanded SSA does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the "CAFRA Layers" GIS layer.
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project site based on the USEPA 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 zoning ordinances and future land uses shown in municipal or county master plans and determined that the expanded SSA is consistent with land uses allowed by local zoning and the county and local master plans.

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 sewer service area

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resulting from adoption of this amendment would 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.

6/7/19  
Date \_\_\_\_\_

SIGNED  
\_\_\_\_\_

Bruce S. Friedman, Director

Division of Water Monitoring and Standards