

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JANUARY 6, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Proposed Amendment to the Ocean County Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed site specific amendment to the Ocean County Water Quality Management (WQM) Plan in accordance with the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15. The proposed amendment (Program Interest No. 435448, Activity No. AMD180001) would expand the Ocean County Utilities` (OCUA) sewer service area (SSA) by six acres to serve a proposed residential development on Block 295, Lot 1 (portion), Little Egg Harbor Township, Ocean County. The proposed project, identified as “**245 Great Bay Boulevard Subdivision**”, includes 21 three-bedroom, single-family homes and would generate a projected wastewater flow of 6,300 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3 to be received by the OCUA Southern Water Pollution Control Facility, NJPDES Permit #NJ0026018. The proposed amendment has been reviewed pursuant to the Water Quality Management Planning rules at

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N.J.A.C. 7:15. This notice represents the Department's determination that the 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 sewer service area 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 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 gallons per day 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 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 habitats, 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

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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 contains areas mapped as endangered and 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's review determined that the site is mapped as Rank 4 habitat for Black Crowned Night Heron, Osprey, Bald Eagle, and Black Skimmer. N.J.A.C. 7:15-4.4(j)2 provides that an applicant may rebut the presumption that the Department's environmental data is accurate by providing a Habitat Suitability Determination (HSD) prepared pursuant to N.J.A.C. 7:15-4.6, that demonstrates that an area does not include suitable habitat for endangered or threatened wildlife species. On March 20, 2018, the applicant submitted a HSD, prepared by Kristin Wildman of Dubois Environmental Consultants. The Department's review determined that the expanded SSA does not feature suitable habitat for the Osprey, Bald Eagle and Black Skimmer due to the developed and actively disturbed areas surrounding the proposed project site, and the absence of nearby breeding colonies and nesting areas. The Department's review determined that, while the proposed project site does feature marginal/potential roosting or foraging habitat for the Black Crowned Night Heron, there would be no negative impacts to breeding Black Crowned Night Herons as a result of the proposed development.

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Roosting or nesting birds were not identified on or in the immediate vicinity of the property and the vegetated habitat areas were proximate to existing development and disturbed areas. The Department was able to make the determination that the proposed project would result in minimal or discountable impacts to Black Crowned Night Heron species habitat within the proposed SSA area based on; information gathered during a site visit by Department staff, a review of aerial photography, locational information of endangered or threatened species sightings, past site inspection notes and other relevant information. Thus, the Department determined that the submission of a Habitat Impact Assessment (HIA), pursuant to N.J.A.C. 7:15-4.7, 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 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 in accordance with and N.J.A.C. 7:13-4.1(c)1 and N.J.A.C. 7:15-4.4(e)3.
- The Department determined that the expanded SSA does contain mapped wetlands based on the “Wetlands 2012” GIS data layer; pursuant to N.J.A.C. 7:15-4.4(e)4; however, pursuant

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to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI/Line Verification File #1516-16-0008.1 FWW160001), which confirms that there are no wetlands in the expanded SSA for this project.

- The Department determined that the expanded SSA 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 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 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. On February 13, 2019, the Little Egg Harbor Township Zoning Board of Adjustment issued a resolution granting a use variance, Resolution 2019-11 for Variance Application No. 2018-16. On October 16, 2019, the Ocean County Planning Board issued a letter stating that the proposed project was consistent with the Ocean County Master Plan.

All information related to the WQM Plan and the proposed amendment is located at:

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New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Environmental Analysis, Restoration and Standards
Water Quality Management Planning Program
P.O. Box 420, Mail Code 401-041
401 East State Street
Trenton, New Jersey 08625-0420

The Department's file is available for inspection between 9:00 a.m. and 4:00 p.m., Monday through Friday. An appointment to inspect the file may be arranged by calling the Bureau of Environmental Analysis, Restoration and Standards at (609) 633-1441

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above. Comments should reference Program Interest No. 435448, Activity No. AMD180001 and must be submitted within 30 days of the date of this public notice. A copy of the written comments should be sent to:

Mr. Anthony Agliata
Ocean County Department of Planning
P.O. Box 2191
Toms River, New Jersey 08754-2191

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AND

Ms. Kristin Wildman

Dubois Environmental Consultants

190 North Main Street

Manahawkin, New Jersey 08050

Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435448, Activity No. AMD180001 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.AC. 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 New Jersey Register and the comment period will be extended to 15 days after the public hearing date. All comments submitted prior to the close of the comment period shall be considered by the Department before making a final decision on the proposed amendment.

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 as a result of the adoption of this amendment does not eliminate the need to obtain

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

11/19/19

SIGNED

Date

Bruce S. Friedman, Director

Division of Water Monitoring and Standards