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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LAND MANAGEMENT**

### **DIVISION OF WATERSHED PROTECTION AND RESTORATION**

### **Proposed Amendment to the Ocean and Monmouth County Water Quality Management**

### **Plans**

### **Public Notice**

**Take notice** that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Ocean and Monmouth County Water Quality Management (WQM) Plans 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 “Views at Monmouth Manor” (Program Interest No. 435448, Activity No. AMD200003), would expand the sewer service area (SSA) of the Ocean County Utilities Authority (OCUA) Northern Water Pollution Control Facility (WPCF) by 46.40 acres to serve a proposed residential subdivision on Block 110, Lot 166 (portion) in Howell Township, Monmouth County. The proposed project consists of 92 affordable, three-bedroom condominium units, 155 four-bedroom townhouses, and 72 five-bedroom single family homes. As calculated in accordance with N.J.A.C. 7:14A-23.3, the proposed project would generate a

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projected wastewater flow of 95,700 gallons per day (gpd). The wastewater would be conveyed via the Manasquan River Regional Sewerage Authority (MRRSA) owned and operated infrastructure system within Howell Township to the OCUA Northern WPCF (New Jersey Pollutant Discharge Elimination System (NJPDES) Permit# NJ0028142). 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 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 but would generate a projected wastewater flow of 20,000 gpd or more and, thus, is subject to the wastewater capacity analysis modification requirement. The purpose of the modification is to update the existing wastewater treatment capacity analysis in order to determine whether the OCUA Northern WPCF has the capacity to service the project in addition to its currently approved sewer service area. An updated analysis was submitted for the OCUA Northern WPCF. The analysis found that there was an additional 0.198 million gallons per day (mgd) of projected wastewater from approved amendments to the

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Ocean County WMP since the capacity analysis contained in the adopted WMP was completed in January 2015. This additional wastewater flow results in a projected total wastewater flow of 30.365 mgd from the OCUA Northern WPCF sewers service area. The OCUA Northern WPCF is currently permitted to discharge up to 32 mgd under NJPDES Permit No. NJ0028142. At this time OCUA has capacity to accommodate the additional flow from the proposed project; however, a potential future wastewater treatment capacity deficit has already been identified for the OCUA Northern WPCF, and the addition of this project into the sewer service area will increase that future deficit. OCUA has finalized the planning study phase for an expansion from 32 mgd to 36 mgd and will continue to monitor and evaluate when conditions warrant moving forward with the design engineering phase.

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 features, 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

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<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:

- The Department determined that the proposed SSA contains 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's review determined that the site is mapped as Rank 4 habitat for Bobcat. However, based on review of the Habitat Suitability Determination (HSD)/Habitat Impact Assessment (HIA) prepared and submitted pursuant to N.J.A.C. 7:15-4.6 and 4.7, the Department concurred with the finding that the old field habitat that is present in the proposed sewer service area is, at best, low quality habitat for this species. In addition, although the proposed project site is located at the edge of a mapped travel pathway for wildlife, given the high level of development surrounding the property, there is little probability that Bobcat would move easterly through the property towards Interstate 195 from a larger patch of forested habitat that is located to the west of the property.
- 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.

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- The Department determined the project site contains a C1 waters or 300-foot riparian zones along a C1 waters or upstream tributary within the same HUC-14 watershed of a 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; however, the proposed sewer service area does not contain any such C1 waters or 300-foot riparian zones.
- The Department determined that there are wetlands 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 Extension File # 1319-12-0002.1 FWW170001 confirming that there are no wetlands within the proposed sewer service area.
- 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 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 US Environmental Protection Agency (USEPA) 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 to MRRSA

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which is subject to a Federal ESA grant condition included in the grant agreement executed between the MRRSA and USEPA under project Number C-34-372-03. 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 or grant waiver is obtained from USEPA. A partial grant waiver was issued by the USEPA to the MRRSA on June 30, 2020.

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 or county master plans, and other local land use objectives. The Howell Township Council adopted Ordinance O-19-52 on November 12, 2019, which established a new Moderate and Low Income Housing Zone Twelve (ML-12), pursuant to an amended settlement agreement between the Fair Share Housing Center and the Township which required the Township to rezone the property. The Howell Township Deputy Director of Community Development issued an email dated December 4, 2020, stating that the proposed project is substantially consistent with the Township's master plan. The Monmouth County Planning Board indicated that while the 2016 Monmouth County Master Plan delineates the property within a Priority Preservation Investment Area, primarily due to the to the property's location outside of the SSA and the agricultural uses that existed at the time, the County Farmland Preservation Plan and County Open Space Plan were consulted but the site was not currently an area of interest. This notice is to inform the public that a plan amendment

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has been proposed for the Monmouth and Ocean County WQM Plans. All information related to these plans and the proposed amendment is located at:

Ocean County Department of Planning  
129 Hooper Avenue  
Toms River, New Jersey 08753

AND

Monmouth County Division of Planning  
Hall of Records Annex  
One East Main Street  
Freehold, New Jersey 07728

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

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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, upon request. An appointment to inspect the file must be arranged by calling the Bureau of NJPDES Stormwater Permitting and Water Quality Management at (609) 733-7021.

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](mailto:wqmp.publiccomments@dep.nj.gov) and to the counties at the following addresses:

Ms. Amber Mallm

Monmouth County Division of Planning

One East Main Street

Freehold, New Jersey 07728

and

Mr. Anthony Agliata

Ocean County Department of Planning

P.O Box 2191

Toms River, New Jersey 08754-2191

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Comments should reference Program Interest No. 435448, Activity No. AMD200003 and must be submitted within 30 days of the date of this public notice.

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. 435448, Activity No. AMD200003 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 public hearing. All comments submitted prior to the close of the comment period shall be considered by the counties and Department before making a final decision on the proposed amendment.

Sewer service is not guaranteed should this amendment is adopted, since it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area 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.

10/7/2021

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