

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 5, 2023, 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

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Monmouth 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 Monmouth 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 “Colts Neck Manor” (Program Interest No. 435462, Activity No. AMD230001) is located on Block 22, Lot 18 (portion) within Colts Neck Township, Monmouth County. This amendment would allow for the construction a proposed residential development consisting of 180 one-bedroom apartments, 165 two-bedroom apartments, 15 three-bedroom apartments, a clubhouse with a swimming pool, and a maintenance building that would generate a projected wastewater flow of 71,250 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, to be served by a new onsite discharge to ground water wastewater treatment and disposal system. The currently approved Colts Neck Manor DGW

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 5, 2023, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

sewer service area was adopted by the Department on August 7, 2006, WQM Plan amendment that was published in the New Jersey Register on September 5, 2006, at 38 N.J.R. 3672(b). However, that amendment was for a DGW to serve a proposed development of 48 three-bedroom townhomes with a projected wastewater flow of 14,400 gpd. Although the proposed project site is located within a currently adopted DGW sewer service area, this WQM Plan amendment is required pursuant to N.J.A.C. 7:15-3.2(c) due to the increased present proposal which constitutes a "...change in the permitted flow to a DTW [designated treatment works], not already addressed in a WQM Plan [which] requires review of the WQM Plan". There is an existing New Jersey Pollutant Discharge Elimination System (NJPDES) permit for the site, NJPDES No. NJ0157058, which will need to be modified to reflect the increase in flow from 14,400 gpd for the former proposal to 71,250 gpd for the present proposal. This amendment also proposes to remove 11.01 acres of the presently adopted DGW sewer service area. The area proposed to be removed is not proposed to be developed and is in areas designated to be included within easements for a stream corridor and for open space conservation.

This notice represents the Department's determination that the proposed amendment is compliant with the 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

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 5, 2023, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

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. However, since the wastewater is to be treated by a proposed new onsite wastewater treatment facility specifically for this project, an 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), (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 <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 SSA does not contain any areas mapped as endangered or threatened wildlife species habitat Rank 3, 4, or 5 on the Department's Landscape Maps

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 5, 2023, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

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 determined that the 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 there is a C1 water and/or 300-foot riparian zone along a C1 water or upstream tributary within the same HUC-14 watershed of a C1 water 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 Yellow Brook (FW2-NTC1) and its corresponding riparian zone are located onsite. Portions of the riparian zone and associated wetlands are included within easements for a stream corridor and for open space conservation. The applicant has received a Flood Hazard Area Verification and Individual Permit (File No. 1309-02-0008.2 LUP210001, issued July 1, 2021) that includes a hardship exception for proposed construction activities within the 300-foot riparian zone. While the permit allows for 3.34 acres of riparian zone vegetation to be permanently disturbed, the applicant has placed a conservation easement on the portion of the riparian zone not being developed to preserve and allow re-vegetation of the riparian zone which had been cleared in the early 2000s. Areas within the 300-foot riparian zone proposed for development are already located within the approved sewer

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 5, 2023, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

service area. No further expansion of the sewer service area into the 300-foot riparian zone is proposed.

- The Department determined that there are wetlands located on the proposed 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 #1309-02-0008.1/FWW140001) confirming that there are no wetlands within the sewer service area.
- The Department determined that the 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 no 201 Facilities Plan grant conditions applicable to the project based on the U.S. 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).

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

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 5, 2023, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

plans, and other local land use objectives. The Colts Neck Township Planning Board adopted a resolution for Application PB-743 on December 14, 2021, granting Preliminary and Final Site Plan approval. The proposed project is consistent with the Monmouth County Master Plan per a February 22, 2023, report prepared by the Monmouth County Planning Board.

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

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
P.O. Box 420, Mail Code 501-02A
501 East State Street
Trenton, New Jersey 08625-0420

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 5, 2023, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

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) 633-7021.

In accordance with N.J.A.C. 7:1D-5.2, a virtual public hearing will be held by the Department on the proposed amendment at which time all interested persons may appear and shall be given an opportunity to be heard. The Department will also be accepting comments on the draft NJPDES DGW Permit Major Modification associated with the proposed development on site (NJ0157058) at the hearing. For those interested in providing comments on the draft NJPDES permit, be aware that only the changes being proposed in the draft permit are open for comment. All other conditions of the existing permit will remain in full effect. The public hearing will take place on July 13, 2023, at 10:00 AM as a virtual Microsoft Teams web meeting only. The hearing will conclude at 12:00 PM or the conclusion of all public testimony, whichever is earlier. Details on how to access the hearing will be made available at <https://www.nj.gov/dep/wqmp/wmpnotices.html> one day before the public hearing. For those without access to web meetings, the hearing will also be accessible by phone for audio only. The phone number and access code for joining the web meeting via phone can be obtained by calling (609) 633-7021 or emailing wqmp.publiccomments@dep.nj.gov. Commenters that anticipate providing verbal testimony are encouraged to notify the Department in advance by calling (609)

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 5, 2023, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

633-7021 or emailing wqmp.publiccomments@dep.nj.gov to ensure a timely and streamlined public hearing process. The Department will record the meeting as part of the public record.

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:

Ms. Amber Mallm
Monmouth County Division of Planning
One East Main Street
Freehold, New Jersey 07728

Comments should reference Program Interest No. 435462, Activity No. AMD230001 and must be submitted within 15 days after the public hearing. All comments submitted prior to the close of the comment period shall be considered by the County and Department before making a final decision on the proposed amendment.

Sewer service is not guaranteed should this amendment be adopted 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 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.

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 5, 2023, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

4/19/2023

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