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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. 58:11A-et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15. The proposed amendment, identified as Gaitway Farms (Program Interest No. 435462, Activity No. AMD220003), would expand the Western Monmouth Utilities Authority Pine Brook sewage treatment plant (WMUA STP) sewer service area (SSA) by 35.53 acres to serve a proposed commercial development on Block 74, Lot 11.01 (portion) in Manalapan Township, Monmouth County. The proposed project consists of a 575,596 square foot (sf) warehouse building that includes 20,000 sf of office space. The entire proposed project also includes a skating center; however, the proposed skating center building is located within the presently adopted SSA and is not the subject of this amendment. The projected wastewater flow of the amendment portion of the project is 22,850 gallons per day (gpd), calculated in accordance with N.J.A.C. 7:14A-23.3,

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and is to be received by the WMUA STP (New Jersey Pollutant Discharge Elimination System (NJPDES) Permit #NJ0023728). 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 SSAs 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 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 amendment portion of the proposed project involves less than 100 acres but would generate a projected wastewater flow of 20,000 gpd or more and is thus subject to a wastewater capacity analysis modification. The purpose of the modification is to demonstrate the WMUA STP has the available capacity to service the project. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing wastewater flow at the WMUA STP, calculated as the highest consecutive 12-month rolling average during the five-year period preceding the amendment application was determined to be 8.44 million gallons per day (MGD) (April 2018 to March 2019) based on NJPDES Discharge Monitoring Reports in DEP Data Miner <https://njems.nj.gov/DataMiner>. The WMUA STP is currently permitted to discharge up to 8.8

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MGD under NJPDES Permit No. NJ0023728. As such, the WMUA STP currently has capacity for the proposed amendment project.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSAs, 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 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 project site contains areas mapped as Rank 5 habitat for Bog Turtle 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. However, based on review of the Habitat Suitability Determination (HSD) prepared and submitted pursuant to N.J.A.C. 7:15-4.6, the Department

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concluded with the finding that the site was not suitable habitat for this species since the nearby wetlands are floodplain-type wetlands which are not typically suited to Bog Turtles. In addition, a 1995 site inspection found that the site did not have open canopied core Bog Turtle habitat. The U.S. Fish and Wildlife (USFWS) service found that the proposed project site is less than a mile from the nearest occurrence of the Bog Turtle and is adjacent to a wetland where Bog Turtles could be present. As such the USFWS has requested several conservation measures be undertaken to minimize any adverse potential impacts to nearby Bog Turtle habitat.

- 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 N.J.A.C. 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. 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 #1326-22-0004.1 FWW220001, confirming that non-isolated wetlands,

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greater than the 25-acre criteria threshold do exist within the proposed SSA. The applicant has applied for Freshwater Wetlands General Permits 7 and 11 as well as a Transition Area Waiver Averaging (TAW) Plan under File #1326-22-0004.1 LUP230001. Prior to the adoption of the WQM Plan Amendment, the applicant must submit proof that the above referenced permits have been issued by the Department. These permits must include a condition that they are valid only upon the adoption of this WQM Plan amendment.

- 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 no 201 Facilities Plan grant conditions applicable to the project site 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).

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 and future land uses shown in adopted municipal or county master plans and other local land use objectives. The Manalapan Township Committee adopted Ordinance 2021-19 on December 22, 2021, adopting a redevelopment plan for the Gaitway Farm

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Redevelopment Area. The proposed project has been designed to comply with the zoning standards identified in the ordinance. The proposed project is consistent with the Monmouth County Master Plan per a June 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
Water Quality Management Planning Program
P O 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 of NJPDES Stormwater Permitting and Water Quality Management at (609) 633-7021.

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 and to the county at the following address:

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

Comments should reference Program Interest No. 435462, Activity No. AMD220003 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. 435462, Activity No. AMD220003 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

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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 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 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.

11/15/2024

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