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**ENVIRONMENTAL PROTECTION**

**WATER RESOURCE MANAGEMENT**

**DIVISION OF WATER MONITORING AND STANDARDS**

**Adopted Amendment to the Monmouth County Water Quality Management Plan**

**Public Notice**

**Take notice** that on January 24, 2020 pursuant to the provisions of 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 New Jersey Department of Environmental Protection (Department) adopted an amendment to the Monmouth County Water Quality Management Plan. This amendment (Program Interest No. 435462, Activity No. AMD190001) expands sewer service area (SSA) by 2.25 acres to serve a proposed commercial development on Block 59, Lot 11, Millstone Township, Monmouth County. The proposed project, identified as “Millstone River Mart”, consists of a 14,443 square-foot building with 7,000 square feet of retail space and three restaurants with a total of 48 seats that would generate a projected wastewater flow of 2,380 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 system will be designed for 2,555 gpd for uniformity in the disposal field area and to keep a uniform length of pipe for the entire system. Preliminary notice was published in the New Jersey Register on December 2, 2019 at 51 N.J.R. 1802(a). No comments were received during the comment period. This notice represents the Department’s determination that the 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 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

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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 and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment plant 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 a written statement of consent from Millstone Township. Millstone Township adopted Resolution 19-227 on December 4, 2019 consenting to the proposed amendment. The Monmouth County Board of Chosen Freeholders adopted Resolution 2020-0039 on January 9, 2020 approving the proposed amendment.

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 sewer service area contains areas mapped as threatened and endangered 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

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Project Data” Version 3.3 GIS data layers in accordance with N.J.A.C. 7:15-4.4(e)1. Review of the Landscape Maps for this proposed project site has determined that the site is identified as Rank 3 Barred Owl habitat.

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 is not suitable habitat for endangered or threatened wildlife species. On March 20, 2019 the applicant submitted a HSD, prepared by Dubois Environmental Consultants. The Department reviewed the HSD and concurred with the HSD’s findings that the site was not suitable habitat for the Barred Owl due to existing conditions and onsite habitat characteristics. The site is surrounded by existing development and disturbance, inclusive of the gas stations to the southeast and northeast, an autobody shop to the north, and residences to the west. The site is not part of a large contiguous wetland and upland complex with an undeveloped interior that would be suitable for Barred Owl breeding and is not contiguous with other forested wetland and upland habitat complexes.

- The Department determined that the expanded sewer service area 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 sewer service area does not contain any Category One (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 and N.J.A.C. 7:13-4.1(c)1 and N.J.A.C. 7:15-4.4(e)3.

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- The Department determined that the expanded sewer service area does not contain any wetlands based on the “Wetlands 2012” GIS data layer.
- The Department determined that the expanded sewer service area 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 December 14, 2018 the Millstone Township Zoning Board of Adjustment adopted Resolution Z 18-07 granting a Use Variance and Preliminary and Final Major Site Plan approval for the proposed project. On June 12, 2017 the Monmouth County Planning Board issued a letter granting conditional approval for the proposed project.

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

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January 24, 2020

SIGNED

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Date

Bruce S. Friedman, Director

Division of Water Monitoring and Standards