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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LAND MANAGEMENT**

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

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

#### **Public Notice**

**Take notice** that on **July 23, 2021**, 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 and Ocean County Water Quality Management (WQM) Plans. The amendment, identified as “GSS Industries” (Program Interest No. 435462, Activity No. AMD180001) expands the sewer service area (SSA) of the Ocean County Utilities Authority (OCUA) Northern Water Pollution Control Facility (WPCF) by 4.6 acres to serve a proposed commercial development on Block 49, Lot 7 (portion), Howell Township, Monmouth County. The proposed project consists of the construction of two warehouse buildings totaling 85,000 square feet (SF). One warehouse will contain a total of 42,500 SF of which 2,320 SF will be office space and the other warehouse will total 42,500 SF of which 3,410 SF will be office space. The proposed development also includes a third proposed warehouse building; however, this building is located within the presently adopted SSA and is not the subject of this amendment. Also located within

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the presently adopted SSA on the lot is an existing warehouse that will remain. The proposed project would generate a projected wastewater flow of 1,173 gallons per day (gpd), based upon a total of 24 warehouse employees and a total of 5,730 SF of office space, as calculated in accordance with N.J.A.C. 7:14A-23.3, to be received by the OCUA Northern WPCF (New Jersey Pollutant Discharge Elimination System (NJPDES) permit # NJ0028142).

Preliminary notice was published in the New Jersey Register on March 1, 2021, at 53 N.J.R. 378(b). 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. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from the Ocean County Utilities Authority, the Manasquan River Regional Sewerage Authority, Howell Township, and the Ocean County Board of County Commissioners. The Ocean County Utilities Authority indicated in a letter dated February 24, 2021, that it would not take a formal position on the proposed amendment. The Manasquan River Regional Sewerage Authority adopted Resolution 2021-26 on March 17, 2021, consenting to the proposed amendment. Howell Township's assistant engineer indicated in an email dated June 30, 2021, that the Township continues to support the amendment per the previously adopted resolution (R-19-236) of July 16, 2019. The Ocean County Department of Planning stated in an email dated July 1, 2021, that the County Board of Commissioners declined to take a formal position on the proposed amendment. The

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Monmouth County Board of County Commissioners, as the Designated WQM Planning Agency, adopted Resolution 2021-0327 on May 13, 2021, approving of the amendment.

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 and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment capacity analysis was 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) and (l): environmentally sensitive areas (ESAs) identified under 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 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

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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 expanded 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 3 habitat for Barred Owl. However, based on a Habitat Suitability Determination (HSD) submitted by the applicant pursuant to N.J.A.C. 7:15-4.6, the Department determined that the proposed project site does not contain suitable or essential habitat to sustain a population, due to the high historical disturbance of the area and the fact that it contains only marginal quality habitat for use by the species.
- 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 C1 waters or 300-foot riparian zones along any C1 waters or their upstream tributaries within the same HUC-14 watershed 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 Marsh Bog Brook (FW2-NTC1) and its

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corresponding riparian zone run along the western border of the property. The Marsh Bog Brook and its corresponding riparian zone are not proposed for disturbance, development, nor inclusion within the SSA.

- 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 #1319-17-0015.1/FWW170001) confirming that no contiguous area of wetlands, alone or in combination with other ESAs, of 25 acres or more are located within the proposed SSA.
- The Department determined that the expanded 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 United States Environmental Protection Agency (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). The proposed project will convey wastewater to the Manasquan River Regional Sewerage Authority (MRRSA) which is subject to a Federal ESA grant condition included in the grant agreement executed between the MRRSA and USEPA

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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 October 31, 2019.

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. On June 18, 2020, the Howell Township Planning Board issued Preliminary Site Plan approval for Application SP-1041A in a Resolution of Memorialization. The Monmouth County Master Plan delineates the area of the subject property as being within a Priority Growth Investment Area.

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 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.

7/23/2021

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

