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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Monmouth County Water Quality Management Plan

Public Notice

Take notice that on **July 27, 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 County Water Quality Management (WQM) Plan. The amendment, identified as the “Iron Ore Road Property” (Program Interest No. 435462, Activity No. AMD200002) expands the sewer service area (SSA) of the Western Monmouth Utilities Authority sewage treatment plant (WMUA STP) by 16.04 acres to serve a proposed residential development consisting of 73 three-bedroom townhouse units, located on Block 72, Lot 11.07 (portion) in Manalapan Township, Monmouth County. The entire proposed project also includes 151 additional three-bedroom townhouse units, 96 affordable two-bedroom condominium units, and a clubhouse; however, all of these buildings are located within the presently adopted SSA and are not the subject of this amendment. As calculated in accordance with N.J.A.C. 7:14A-23.3, the amendment portion of the project will generate a projected wastewater flow of 21,900

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gallons per day (gpd), to be received by the WMUA STP (New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0023728).

Preliminary notice was published in the New Jersey Register on March 15, 2021, at 53 N.J.R. 433(a). No comments were received during the comment period. 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. 7:15-3.5(g)6, the Department instructed the applicant to request written statement of consents from the Western Monmouth Utilities Authority and Manalapan Township. The Western Monmouth Utilities Authority adopted Resolution 21-61 on April 13, 2021, consenting to the proposed amendment. Manalapan Township adopted Resolution 2021-180 on May 12, 2021, consenting to the proposed amendment. The Monmouth County Board of County Commissioners, as the Designated WQM Planning Agency, adopted Resolution 2021-0365 on May 27, 2021, approving of the proposed 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 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 proposed project involves less than 100 acres but would

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generate a total 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 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 (October 2014 to September 2019), was determined to be 8.33 million gallons per day (mgd) (March 2018- February 2019) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner (<https://www.13.state.nj.us/DataMiner#>). The WMUA STP is currently permitted to discharge up to 8.8 mgd under NJPDES Permit No. NJ0023728. As such, the WMUA currently has capacity for the proposed project.

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, 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 <http://www.nj.gov/dep/gis/listall.html> and/or other information as noted below, to determine

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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 Wood Turtle. However, based on review of the submitted Habitat Suitability Determination (HSD) prepared pursuant to N.J.A.C. 7:15-4.6, the Department concurred that any potential loss of habitat at this location would have only insignificant or discountable impacts to the regional habitat available to wood turtles at this location due to the determination that the probability of wood turtles occurring at this location is extremely low due to the habitat's low overall quality and poor connection to habitat of higher quality.
- 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 upstream tributaries within the same HUC-14

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watershed 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 7:15-4.4(e)3.

- 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 #1326-19-0004.1/FWW190001) confirming that no contiguous area of wetlands, alone or in combination with other ESAs, of 25 acres or more are located within the expanded SSA. Areas of isolated wetlands less than the 25-acre criteria threshold do exist within the expanded 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 no 201 Facilities Plan grant conditions applicable to the project based on the U.S. Environmental Protection Agency 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).

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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 and county master plans, and other local land use objectives. The Manalapan Township Committee adopted Ordinance 2020-07 on May 27, 2020, establishing an AH-Diocese Affordable Housing Overlay District, pursuant to the provisions of a settlement agreement between Manalapan Township, The Fair Share Housing Center, and The Diocese of Trenton. The proposed project is consistent with the Manalapan Township Master Plan and the Monmouth County Master Plan as per an August 31, 2020, report prepared by the Monmouth County Planning Board.

Sewer service is not guaranteed by adoption of this amendment as 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.

7/27/2021

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