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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**

**Take notice** that on December 20, 2023, 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 “Woodward Estates” (Program Interest No. 435462, Activity No. AMD200003), expands the Western Monmouth Utilities Authority sewage treatment plant (WMUA STP) sewer service area (SSA) by 19.34 acres to serve a proposed residential development on Block 67, Lots 22 (portion), 25 (portion), 32 and 35.02 in Manalapan Township, Monmouth County. No development is proposed on Lot 32, and Lot 35.02 is already in the approved SSA; therefore, those lots are not the subject of this amendment. The proposed project includes 130 three-bedroom townhomes, to be located on Lot 22, and 55 age-restricted affordable apartments consisting of 28 one-bedroom and 27 two-bedroom units and one two-bedroom non-age restricted superintendent apartment, to be located on Lot 25. The SSA

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expansion also includes the existing Yorktowne Social Club, located on Block 67, Lot 21 (portion), which is presently served by an individual subsurface sewage disposal system (ISSDS septic system). The existing septic system will be closed and all wastewater will be conveyed to the WMUA STP. The projected wastewater flow of 48,145 gallons per day (gpd), calculated in accordance with N.J.A.C. 7:14A-23.3, is to be received by the WMUA STP (New Jersey Pollutant Discharge Elimination System (NJPDES) Permit #NJ0023728). After going to preliminary notice the Department was informed that the breakdown of apartment unit types and numbers had been revised. The preliminary notice stated that the proposed project's age restricted affordable housing portion would have 11 one-bedroom apartments, 33 two-bedroom apartments, and 11 three-bedroom apartments and a total projected wastewater flow of 49,545 gpd. This adoption reflects the updated unit information for the age-restricted apartments, the superintendent apartment unit, and the corresponding updated projected flow. The change in unit type and numbers did not affect the area to be added to the SSA and reduced the projected flow to the WMUA STP. The Department has adopted the amendment in accordance with N.J.A.C. 7:15-3.5(g)10 which allows for minor changes that do not effectively destroy the value of the public notice.

Preliminary notice was published in the New Jersey Register on September 5, 2023, at 55 N.J.R. 1965(a). No comments were received during the comment period. This notice represents

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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 21-155 on January 25, 2022, consenting to the proposed amendment and reaffirmed its position in a December 6, 2023, email. Manalapan Township adopted Resolution 2023-346 on September 13, 2023, consenting to the proposed amendment. The Monmouth County Board of County Commissioners, as the Designated WQM Planning Agency, adopted Resolution 2023-0906 on November 9, 2023, 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 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 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 STP has the

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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 (July 2016 to June 2021), 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://njems.nj.gov/DataMiner>. The WMUA STP is currently permitted to discharge up to 8.8 MGD under NJPDES Permit No. NJ0023728. As such, the WMUA STP 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 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

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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 4 habitat for Bald Eagle 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, the expanded SSA does not contain any areas mapped as endangered or threatened wildlife species habitat Rank 3, 4 or 5. Additionally, the Rank 4 habitat area is not proposed for development nor disturbance. In accordance with the Township approval, much of the habitat area, approximately 114 acres, will be subdivided into an open space lot.
- 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 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; however, pursuant

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to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #1326-08-0004.1 FWW170001), confirming that there are no wetlands 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 site 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 and future land uses shown in adopted municipal or county master plans and other local land use objectives. The Manalapan Township Committee adopted Ordinance 2020-14 on July 8, 2020, establishing an Affordable Housing – Woodward Estates (AH-WE) Overlay District, pursuant to the provisions of a settlement agreement between Manalapan Township, The Fair Share Housing Center, and Woodward Estates LLC. The Manalapan Township Planning Board adopted a resolution for Application No. PPM2043 on October 27, 2022, granting

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Preliminary and Final Site Plan Subdivision Approval and Preliminary and Final Site Plan Approval.  
The proposed project is consistent with the Monmouth County Master Plan per an October 2022, report prepared by the Monmouth County Planning Board.

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 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.

12/20/2023

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