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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**

**Take notice** that on May 2, 2024, 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 “Charleston Meadows” (Program Interest No. 435462, Activity No. AMD230005) expands the Ocean County Utilities Authority Northern Water Pollution Control Facility (OCUA Northern WPCF) sewer service area (SSA) by 7.3 acres to serve a proposed townhouse/condominium development on Block 42, Lot 4 (portion), in Colts Neck Township, Monmouth County. The proposed project includes 56 three-bedroom units and 12 two-bedroom units. The proposed project would generate a projected wastewater flow of 19,500 gallons per day (gpd) based on flow 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). The wastewater would be conveyed to the OCUA Northern WPCF via the

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Manasquan River Regional Sewerage Authority (MRRSA) owned and operated infrastructure system.

Preliminary notice was published in the New Jersey Register on February 20, 2024, at 56 N.J.R. 299(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 statements of consent from the Ocean County Utilities Authority (OCUA), Colts Neck Township, Freehold Township, the Manasquan River Regional Sewerage Authority (MRRSA), and the Ocean County Board of County Commissioners. The OCUA, in a letter dated January 30, 2024, indicated that it would not take a formal position on the proposed amendment. Colts Neck Township adopted Resolution 2024-40 on January 31, 2024, consenting to the proposed amendment. Freehold Township adopted Resolution No. R-24-49 on February 13, 2024, consenting to the proposed amendment, in accordance with the litigation settlement. The MRRSA adopted Resolution No. 2024-15 on February 21, 2024, consenting to the proposed amendment, per the terms of the settlement agreement. The Ocean County Board of County Commissioners adopted Resolution #2024000556 on April 17, 2024, consenting to the proposed amendment. The Monmouth County Board of County Commissioners, as the Designated WQM

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Planning Agency, adopted Resolution 2024-0307 on April 11, 2024, 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 and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment capacity analysis is 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 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

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<https://gisdata-nidep.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 expanded SSA does not contain any 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 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 there is a C1 water and/or 300-foot riparian zone along a C1 water or upstream tributary within the same HUC-14 watershed of a C1 water based on the "Surface Water Quality Standards" GIS data layer, in accordance with N.J.A.C. 7:13-4.1(c)1 and 7:15-4.4(e)3. A tributary to the Yellow Brook (FW2-NTC1) and its corresponding riparian zone run along the western, eastern, and northern borders of the property. However, the expanded SSA does not contain any C1 waters or corresponding riparian zone.
- 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 # File No. 1309-21-0003.1 FWW21001), 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 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). The proposed project will convey wastewater through the MRRSA infrastructure which is subject to a Federal ESA grant condition included in the grant agreement executed between the MRRSA and USEPA under project Numbers C-34-372-03 and C-34-398. 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 March 23, 2023.

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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 and future land uses shown in adopted municipal or county master plans and other local land use objectives. The Colts Neck Township Planning Board issued an unnumbered resolution for Application No. PB-753 on December 6, 2022, granting Preliminary Subdivision and Site Plan approval. The proposed project is consistent with the Monmouth County Master Plan per a July 2023 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.

5/2/2024

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