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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Ocean County Water Quality Management Plan

Public Notice

Take notice that on **October 16, 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 Ocean County Water Quality Management (WQM) Plan. This amendment, identified as “245 Great Bay Boulevard Subdivision” (Program Interest No. 435448, Activity No. AMD180001), expands the Ocean County Utilities (OCUA) sewer service area (SSA) by 6.0 acres to serve a proposed residential development on Block 295, Lot 1 (portion), Little Egg Harbor Township, Ocean County. The proposed project, includes 21 three-bedroom, single-family homes and would generate a projected wastewater flow of 6,300 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 Southern Water Pollution Control Facility, New Jersey Pollutant Discharge Elimination System (NJPDES) Permit #NJ0026018. Preliminary notice was published in the New Jersey Register on January 6, 2020 at 52 N.J.R. 78(a). No comments were received during the comment period.

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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 OCUA, the Little Egg Harbor Township Municipal Utilities Authority, Little Egg Harbor Township, and the Ocean County Board of Chosen Freeholders. The OCUA stated in a letter dated January 9, 2020, that it would not take a formal position on the proposed amendment. The Little Egg Harbor Township Municipal Utilities Authority adopted Resolution 2020-6 on February 11, 2020, consenting to the proposed amendment. Little Egg Harbor Township adopted Resolution 2020-115 on June 11, 2020, consenting to the proposed amendment. The Ocean County Board of Chosen Freeholders adopted Resolution 2020000808 on July 1, 2020, approving the proposed amendment.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to alterations of the eligible sewer service area 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 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 project involves less than 100 acres and will generate less than 20,000 gallons per day of wastewater flow; therefore, update of the wastewater treatment plant capacity analysis is not required.

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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), (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 habitats, Natural Heritage Priority Sites, 300 foot 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 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 and 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 4 habitat for Black Crowned Night Heron, Osprey, Bald Eagle, and Black Skimmer. 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-

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4.6, that demonstrates that an area does not include suitable habitat for endangered or threatened wildlife species. On March 20, 2018, the applicant submitted a HSD, prepared by Kristin Wildman of Dubois Environmental Consultants. The Department's review determined that the expanded SSA does not feature suitable habitat for the Osprey, Bald Eagle and Black Skimmer due to the developed and actively disturbed areas surrounding the proposed project site, and the absence of nearby breeding colonies and nesting areas. The Department's review determined that, while the proposed project site does feature marginal/potential roosting or foraging habitat for the Black Crowned Night Heron, there would be no negative impacts to breeding Black Crowned Night Herons as a result of the proposed development. Roosting or nesting birds were not identified on or in the immediate vicinity of the property and the vegetated habitat areas were proximate to existing development and disturbed areas. The Department made the determination that the proposed project would result in minimal or discountable impacts to Black Crowned Night Heron species habitat within the proposed SSA area; thus, the submission of a Habitat Impact Assessment (HIA), pursuant to N.J.A.C. 7:15-4.7, will not be required.

- 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 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.
- The Department determined that the expanded SSA contains mapped wetlands based on the “Wetlands 2012” GIS data layer, pursuant to 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 #1516-16-0008.1 FWW160001), which confirms that there are no wetlands in the expanded SSA for this project.
- The Department determined that the expanded SSA 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 (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 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 adopted zoning ordinances, future land uses shown in adopted municipal or county master plans and other local land use objectives. On February 13, 2019, the Little Egg Harbor Township Zoning Board of Adjustment issued a resolution granting a use variance, Resolution 2019-11 for Variance

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Application No. 2018-16. On October 16, 2019, the Ocean County Planning Board issued a letter stating that the proposed project was consistent with the Ocean County Master Plan.

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 agencies with jurisdiction over this project/activity.

10/16/20

SIGNED

Date

Kimberly Cenno, Bureau Chief
Bureau of Environmental Analysis, Restoration and Standards
Division of Water Monitoring and Standards