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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Ocean 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 Ocean County Water Quality Management (WQM) Plan. The amendment, identified as “The Boulevard Office Retail Plaza” (Program Interest No. 435448, Activity No. AMD200002) expands the sewer service area (SSA) of the Ocean County Utilities Authority Northern Water Pollution Control Facility (OCUA Northern WPCF) by 1.89 acres to serve a proposed commercial development located on Block 4601, Lot 10 (portion) and Lot 11 (portion), in Jackson Township, Ocean County. The proposed project consists of a 111,299 square foot (sq. ft.) retail and warehouse building. The entire proposed project also includes two separate office buildings; however, 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 4,250 gallons per day (gpd),

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based on 30,000 sq. ft. of retail space and 50 warehouse employees, to be received by the OCUA Northern WPCF (New Jersey Pollutant Discharge Elimination System (NJPDDES) permit # NJ0028142).

Preliminary notice was published in the New Jersey Register on February 16, 2021, at 53 N.J.R. 269(a). 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 Ocean County Board of County Commissioners, Jackson Township Municipal Utilities Authority (JTMUA) and Jackson Township. The Ocean County Utilities Authority stated in a letter dated February 16, 2021, that it would not take a formal position on the proposed amendment. The Ocean County Board of County Commissioners adopted Resolution #2021000674 on May 5, 2021, consenting to the proposed amendment. The JTMUA adopted Resolution #2021-035 on February 25, 2021, consenting to the proposed amendment. Jackson Township did not respond to the applicant's request for a statement of consent.

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

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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 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 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 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

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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 review of the Habitat Suitability Determination (HSD) prepared and submitted pursuant to N.J.A.C. 7:15-4.6, the Department concurred with the determination that any potential loss of habitat at this location would have only insignificant or discountable impacts to Barred Owl habitat and/or the species itself, due to the large home range typically associated with the Barred Owl; the poor character of the landscape including the disturbed nature of the of forest; the human-modified landscape; proximity of existing development; lack of documented nesting habitat; and the existing, compromised nature of the potential foraging habitat subject to disturbance by the proposed project.

- 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 and N.J.A.C. 7:13-4.1(c)1 and 7:15-4.4(e)3.
- The Department determined that the expanded SSA does not contain wetlands based on the “Wetlands 2012” GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4.

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- 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).

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 Jackson Township Planning Board issued Resolution 2019-14A on June 3, 2020, granting Preliminary and Final Major Site Plan approval and Resolution 2019-14B dated December 21, 2020, stating that the proposed project is consistent with Jackson Township’s zoning regulations and master plan. The Ocean County Planning Board issued a letter dated October 19, 2020, stating that the proposed project is consistent with the Ocean County Master Plan.

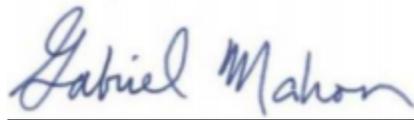
Sewer service is not guaranteed by adoption of this amendment as it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA as a

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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