

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 18, 2021, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

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 September 17, 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 “Jackson Diner” (Program Interest No. 435448, Activity No. AMD200005,) establishes a new sewer service area (SSA) of 2.67 acres to serve a proposed new restaurant on Block 3101, Lot 19, Jackson Township, Ocean County. The project consists of the construction of a 6,500 square foot, 200-seat diner that would generate a projected wastewater flow of 7,367.50 gallons per day (gpd), calculated in accordance with N.J.A.C. 7:9A-7.4. The wastewater is to be received by a new subsurface sewage disposal system. The site was located within the Ocean County Utilities Authority Northern Wastewater Pollution Control Facility’s proposed sewer service area; however, sewer infrastructure does not yet extend to serve this area, thus necessitating the need for the on-site wastewater treatment facility.

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Preliminary notice was published in the New Jersey Register on February 16, 2021, at 53 N.J.R. 271(a). No comments were received during the public 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, the Ocean County Board of County Commissioners, Jackson Township Municipal Utilities Authority (JTMUA) and Jackson Township. The JTMUA adopted Resolution #2021-035 on February 25, 2021, consenting to the proposed amendment. The Ocean County Utilities Authority stated in a letter dated March 3, 2021, that it would not take a formal position on the proposed amendment. The Ocean County Board of County Commissioners adopted Resolution 2021000671 on May 5, 2021, consenting to the proposed amendment. Jackson Township's clerk stated in an email dated July 26, 2021, that the Jackson Township Council has not indicated that that it wishes to pass a resolution.

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 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 proposed project involves less than 100 acres and will generate less than 20,000 gpd of

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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 SSAs, 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 habitat, Natural Heritage Priority Sites, riparian zones of Category One (C1) waters and their 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 <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 in accordance with N.J.A.C. 7:15-4.4(e)1, based on review of the "Landscape Project Data" Version 3.3 GIS data layers, the new SSA contains mapped threatened and endangered wildlife species habitat identified for Rank 3 Northern Pine Snake. Pursuant to N.J.A.C. 7:15-4.4(j)4, the applicant submitted an Environmental Impact Statement (EIS) that was accepted by the Department in lieu of a Habitat Suitability Determination. The Department concurred with the EIS assessment that the proposed

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project site does not include suitable Northern Pine Snake habitat due to the site's existing disturbance, and surrounding development including a roadway, homes and the Great Adventure amusement park, and the presence of soil types that are not suitable for Northern Pine Snakes.

- The Department determined that the new 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 new SSA does not contain any C1 waters or 300-foot riparian zones along any C1 waters or upstream tributaries situated within the same HUC-14 watershed 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 the new SSA does not contain any wetlands based on the "Wetlands 2012" GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4.
- The Department determined that the new 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

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<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. The Jackson Township zoning officer issued a letter dated March 9, 2020, stating that the proposed project was consistent with Jackson Township's zoning regulations. The Ocean County Planning Board issued a letter dated April 28, 2020, 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 SSA 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.

9/17/21
Date

SIGNED
Gabriel Mahon, Bureau Chief
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Division of Watershed Protection and Restoration
NJ Department of Environmental Protection