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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Ocean and Monmouth County Water Quality Management Plans

Public Notice

Take notice that on March 4, 2022, 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 and Monmouth County Water Quality Management (WQM) Plans. The amendment, identified as “Views at Monmouth Manor” (Program Interest No. 435448, Activity No. AMD200003), expands the sewer service area (SSA) of the Ocean County Utilities Authority (OCUA) Northern Water Pollution Control Facility (WPCF) by 46.40 acres to serve a proposed residential subdivision on Block 110, Lot 166 (portion) in Howell Township, Monmouth County. The proposed project consists of 92 affordable, three-bedroom condominium units, 155 four-bedroom townhouses, and 72 five-bedroom single family homes. As calculated in accordance with N.J.A.C. 7:14A-23.3, the proposed project would generate a projected wastewater flow of 95,700 gallons per day (gpd). The wastewater would be conveyed via the Manasquan River Regional Sewerage Authority (MRRSA) owned and operated infrastructure system within Howell

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Township to the OCUA Northern WPCF (New Jersey Pollutant Discharge Elimination System (NJPDES) Permit# NJ0028142).

Preliminary notice was published in the New Jersey Register on November 15, 2021, at 53 N.J.R. 1934 (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 Manasquan River Regional Sewerage Authority, the Ocean County Utilities Authority, Howell Township, the Ocean County Board of County Commissioners and the Monmouth County Board of County Commissioners. The Manasquan River Regional Sewerage Authority adopted Resolution 2021-78 on November 10, 2021, consenting to the proposed amendment. The Ocean County Utilities Authority stated in a letter dated November 17, 2021, that it would not take a formal position on the proposed amendment. Howell Township adopted Resolution 21-393 on December 14, 2021, consenting to the proposed amendment. Ocean County indicated in an email dated December 21, 2021, that they would not take a formal position on the proposed amendment. The Monmouth County Board of County Commissioners adopted Resolution 2022-0076 on January 27, 2022, 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

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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 but would generate a projected wastewater flow of 20,000 gpd or more and, thus, is subject to the wastewater capacity analysis modification requirement. The purpose of the modification is to update the existing wastewater treatment capacity analysis in order to determine whether the OCUA Northern WPCF has the capacity to service the project in addition to its currently approved sewer service area. An updated analysis was submitted for the OCUA Northern WPCF. The analysis found that there was an additional 0.198 million gallons per day (mgd) of projected wastewater from approved amendments to the Ocean County WMP since the capacity analysis contained in the adopted WMP was completed in January 2015. This additional wastewater flow results in a projected total wastewater flow of 30.365 mgd from the OCUA Northern WPCF sewer service area. The OCUA Northern WPCF is currently permitted to discharge up to 32 mgd under NJPDES Permit No. NJ0028142. At this time OCUA has capacity to accommodate the additional flow from the proposed project; however, a potential future wastewater treatment capacity deficit has already been identified for the OCUA Northern WPCF, and the addition of this project into the sewer service area will increase that future deficit. OCUA has finalized the planning study phase for an expansion from 32 mgd to 36 mgd and will continue to monitor and evaluate when conditions warrant moving forward with the design engineering phase.

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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 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 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 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 Bobcat. However, based on review of the Habitat Suitability Determination (HSD)/Habitat Impact Assessment (HIA) prepared and submitted pursuant to N.J.A.C. 7:15-4.6 and 4.7, the Department concurred with the finding that the old field habitat that is present in the

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expanded sewer service area is, at best, low quality habitat for this species. In addition, although the proposed project site is located at the edge of a mapped travel pathway for wildlife, given the high level of development surrounding the property, there is little probability that Bobcat would move easterly through the property towards Interstate 195 from a larger patch of forested habitat that is located to the west of the property.

- 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 the project site contains C1 waters or 300-foot riparian zones along C1 waters or upstream tributaries 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; however, the expanded sewer service area does not contain any such C1 waters or 300-foot riparian zones.
- The Department determined that there are wetlands 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 to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Extension File # 1319-12-0002.1 FWW170001 confirming that there are no wetlands within the expanded sewer service area.
- The Department determined that the expanded sewer service area does not contain any areas mapped as Fringe Planning Areas, Rural Planning Areas, or Environmentally Sensitive

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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 based on the US 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 to the MRRSA which is subject to a Federal ESA grant condition included in the grant agreement executed between the MRRSA and USEPA under project Number C-34-372-03. 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 June 30, 2020.

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 Howell Township Council adopted Ordinance O-19-52 on November 12, 2019, which established a new Moderate and Low Income Housing Zone Twelve (ML-12), pursuant to an amended settlement agreement between the Fair Share Housing Center and the Township which required the Township to rezone the property. The Howell

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Township Deputy Director of Community Development issued an email dated December 4, 2020, stating that the proposed project is substantially consistent with the Township's master plan. The Monmouth County Planning Board indicated that while the 2016 Monmouth County Master Plan delineates the property within a Priority Preservation Investment Area, primarily due to the property's location outside of the SSA and the agricultural uses that existed at the time, the County Farmland Preservation Plan and County Open Space Plan were consulted but the site was not currently an area of interest.

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 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.

3/4/2022

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