

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 15, 2024, 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

Take notice that on March 8, 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 Ocean County Water Quality Management (WQM) Plan. The amendment, identified as “122-128 Hope Chapel Road/Hope Road LLC” also known as “Schindler Court” (Program Interest No. 435448, Activity No. AMD220005), expands the Ocean County Utilities Authority Northern Water Pollution Control Facility (OCUA Northern WPCF) sewer service area (SSA) by 1.04 acres to include one (1) existing 6-bedroom single-family dwelling and two (2) proposed 6-bedroom single-family dwellings located on Block 13601, Lots 9 (portion) and 10 (portion), in Jackson Township, Ocean County. An existing single-family home located on Lot 9 will be demolished. The amendment area is a portion of a proposed subdivision (Schindler Court) that includes four additional single-family home lots located in the currently adopted SSA in Lakewood Township, and which are not the subject of this amendment. The amendment portion

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of the project would generate a projected wastewater flow of 900 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).

Preliminary notice was published in the New Jersey Register on August 7, 2023, at 55 N.J.R. 1756(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 Jackson Township Municipal Utilities Authority (JTMUA), the Ocean County Board of County Commissioners, the Ocean County Utilities Authority (OCUA), Jackson Township, and Lakewood Township. The JTMUA adopted Resolution 2023-132 on July 27, 2023, consenting to the proposed amendment. The Ocean County Board of County Commissioners adopted Resolution #2023001433 on October 4, 2023, consenting to the proposed amendment. The OCUA, in a letter dated August 23, 2023, indicated that it would not take a formal position on the proposed amendment. Jackson Township and Lakewood Township declined to 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 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 <https://gisdata-njdep.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

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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 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 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 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.
- 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 site based on the U.S. Environmental Protection Agency (USEPA) list of New

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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).

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 Jackson Township Zoning Board of Adjustment adopted Resolution 2020-25 granting Preliminary and Final Major Subdivision approval on August 19, 2020, and memorialized on September 2, 2020. Jackson Township does not require subsequent site plan approval for the proposed project. The Lakewood Township Board of Zoning Adjustment granted Preliminary and Final Major Subdivision Approval (#3980AA) on February 3, 2020, and memorialized on March 2, 2020. The Ocean County Department of Planning, in a November 15, 2022, email, stated that they would not be issuing a statement of consistency of the proposed project 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 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.

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3/8/2024

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