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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

Take notice that on December 5, 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 “Jackson Parke” (Program Interest No. 435448, Activity No. AMD230008), expands the Ocean County Utilities Authority Northern Water Pollution Control Facility (OCUA Northern WPCF) sewer service area (SSA) by 16.032 acres to serve a proposed residential development on Block 10401, Lot 5.01 (portion) and Block 17802, Lot 57.01 (portion), in Jackson Township, Ocean County. The proposed project consists of 96 two-bedroom units, 43 three-bedroom units, a clubhouse, and a pool. The entire proposed project also includes 398 additional two-bedroom units, 563 additional three-bedroom units, and a community center; however, all of these buildings are located within the presently adopted SSA and are not the subject of this amendment. The amendment portion of the project would generate a projected wastewater flow of 40,080 gallons per day (gpd) based on flow calculated in accordance with

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N.J.A.C. 7:14A-23.3 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 August 5, 2024, at 56 N.J.R. 1575(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 Jackson Township Municipal Utilities Authority (JTMUA), the Ocean County Utilities Authority (OCUA), the Ocean County Board of County Commissioners, and Jackson Township. The JTMUA adopted Resolution No. 2024-119 on July 25, 2024, consenting to the proposed amendment. The OCUA stated in a letter dated August 1, 2024, that it would not take a formal position on the proposed amendment. The Ocean County Board of County Commissioners adopted Resolution #2024001496 on October 1, 2024, consenting to the proposed amendment. The Jackson Township attorney stated in an email dated October 18, 2024, that the township would not take a formal position on 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 SSAs 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 shall include a proposed modification to the wastewater

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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 0.285 million gallons per day (mgd) of projected wastewater from approved amendments (including this proposal) to the Ocean County WMP since the capacity analysis contained in the adopted WMP was done. This additional wastewater flow results in a projected total wastewater flow of 30.454 mgd from the OCUA Northern WPCF sewers service area. The OCUA Northern WPCF is currently permitted to discharge up to 32 mgd pursuant to 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 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 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 Barred Owl, Northern Pine Snake, and Red Shouldered Hawk. Pursuant to N.J.A.C. 7:15-4.4(j)4, the applicant submitted a Habitat Suitability Discussion document to rebut the presumption that

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the proposed project site is constrained for endangered and threatened species habitat. A review by the Department determined that due to prior approvals the applicant received (which included habitat evaluations for a Freshwater Wetlands Letter of Interpretation: Line Verification (LOI) and a Special Activity Transition Area Waiver Individual Permit), the onset of site preparation activities, and the small amount of affected acreage, that the amendment areas no longer provide suitable habitat for the above referenced endangered and threatened species, and that a Habitat Suitability Determination (HSD), submitted in accordance with the provisions at N.J.A.C. 7:15-4.6, would 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 on the project site there is a C1 water and/or 300-foot riparian zone along a C1 water or upstream tributary 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. Cedar Branch and Pole Brook, tributaries of the Toms River (FW2-NT(C1)) are located on the property. However, the expanded SSA does not contain any C1 waters or corresponding riparian zone.
- The Department determined that there are wetlands located 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

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to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File (File No. 1511-16-0010.1 FWW160002), confirming that there are no wetlands within the expanded SSA.

- 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 (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).

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 Planning Board adopted Resolution 2020-06 granting Preliminary and Final Major Subdivision and Site Plan and Conditional Use Approval for the northern section on May 18, 2023. The Jackson Township Planning Board adopted Resolution 2021-12 granting Preliminary and Final Major Subdivision and Site Plan and Approval for the southern section on March 22, 2021, and memorialized on June 7,

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2021. The Ocean County Department of Planning, in a January 3, 2024, 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.

12/5/2024

Date

A handwritten signature in blue ink that reads "Gabriel Mahon". The signature is written in a cursive, flowing style.

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