

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE MAY 5, 2025, 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

OFFICE OF POLICY AND TECHNICAL DEVELOPMENT

Adopted Amendment to the Ocean County Water Quality Management Plan

Take notice that on April 4, 2025, 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 130 Pushkin Road (Program Interest No. 435448, Activity No. AMD230007) establishes a 0.118-acre sewer service area (SSA) for a proposed development on Block 11501, Lot 7.02 (portion), Jackson Township, Ocean County. The proposed project consists of the conversion of an existing 30 room boarding house into a 32 room drug and alcohol in-patient treatment facility that would generate a projected wastewater flow of 4,255 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:9A-7.4. The site is located in the currently adopted SSA of the Ocean County Utilities Authority; however, there is currently no infrastructure in the area to serve the site. In accordance with N.J.A.C. 7:15-3.2(c), an amendment is needed for the proposed New Jersey Pollutant Discharge Elimination System (NJPDES) permitted onsite subsurface sewage disposal system.

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Preliminary notice was published in the New Jersey Register on September 3, 2024, at 56 N.J.R. 1817(b). No comments were received during the comment period. This notice represents the Department's determination that the proposed amendment is compliant with the 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 (OCUA), the Ocean County Board of County Commissioners, Jackson Township Municipal Utilities Authority (JTMUA), and Jackson Township. The OCUA stated in a letter dated August 29, 2024, that it would not take a formal position on the proposed amendment. The Ocean County Board of County Commissioners adopted Resolution #2024001670 on November 6, 2024, consenting to the proposed amendment. The JTMUA adopted Resolution No. 2024-191 on December 19, 2024, consenting to the proposed amendment. Jackson 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 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. However, since the wastewater is to be treated by a proposed new onsite wastewater treatment facility specifically for this project, an update of the wastewater treatment capacity analysis is not required.

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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 <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 SSA does not contain any areas mapped as endangered or threatened wildlife species habitat Rank 3, 4 or 5 on the Department's Landscape Maps 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 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.

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- The Department determined, based on a review of the “Surface Water Quality Standards” GIS data layer, that a portion of the existing 30 room boarding house is within a 300-foot riparian zone associated with the onsite unnamed tributary to the Toms River, a designated C1 waterbody. However, the building was constructed in the early 1950’s, which predates the designation of the Toms River tributary as a C1 waterbody in the Surface Water Quality Standards. The new sewer service area is limited to the footprint of the existing building; therefore, it will not encompass any additional areas within the 300-foot riparian zone of the C1 waterbody.
- The Department determined that the 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 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 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, future land uses shown in adopted municipal or county master plans, and other local land use objectives. The Jackson Township Zoning Board of Adjustment issued

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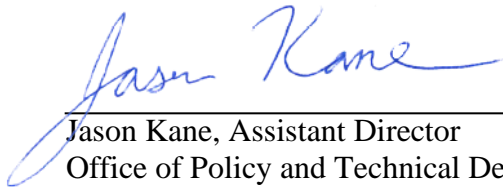
Resolution No. 2023-15 on April 5, 2023, granting Preliminary and Final Major Site Plan approval.

The Ocean County Planning Board issued a letter dated November 21, 2023, 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 as a result of 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.

4/4/2025

Date



Jason Kane, Assistant Director
Office of Policy and Technical Development
Watershed and Land Management
NJ Department of Environmental Protection