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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

Proposed Amendment to the Ocean County Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) seeks public comment on a proposed amendment to the Ocean County Water Quality Management (WQM) Plan. This amendment proposal (Program Interest No. 435448, Activity No. AMD160002), identified as “Salem Street” and submitted by Aaron Perlow on behalf of Congregation Maalos Hatorah, would expand the sewer service area (SSA) of the Ocean County Northern Water Pollution Control Facility by 0.6 acres to allow for the construction of a three-unit residential development. The proposed project site is in Lakewood Township, Ocean County, on a portion of Block 1159, Lot 48, on the southbound side of Salem Street, west of New Hampshire Avenue (County Route 623). This proposed amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and represents the Department’s decision to proceed further with the amendment application as provided in N.J.A.C. 7:15-3.5(g)5.

Pursuant to N.J.A.C. 7:15-4.4(d), sewer service may only be provided to areas that are not identified as Environmentally Sensitive Areas (ESAs), certain coastal planning areas, or areas subject to US Environmental Protection Agency (EPA) 201 Facilities Plan grant conditions, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l).

Pursuant to N.J.A.C. 7:15-4.4(e), ESAs are any contiguous area, based on a composite Geographic Information System (GIS) analysis, of 25 acres or larger consisting of any of the following features alone

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or in combination: areas mapped as threatened and endangered wildlife species habitat as identified on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife as Rank 3, 4, or 5 (Landscape Maps); areas mapped as Natural Heritage Priority Sites; Category One waters designated in the Department's Surface Water Quality Standard, N.J.A.C. 7:9B, based on the Department's maps of such waters and their corresponding 300-foot riparian zones based upon the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13; and wetlands as mapped pursuant to N.J.S.A. 13:19A-1 and 13:9B-25.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as threatened and endangered wildlife habitat identified pursuant to N.J.A.C. 7:15-4.4(e)1. Areas identified by the Landscape Maps as being suitable habitat for threatened and endangered wildlife species Ranks 3 (State threatened), Rank 4 (State endangered), and Rank 5 (Federal endangered or threatened) are not to be included in proposed SSAs except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped pursuant to N.J.A.C. 7:15-4.4(e)1 as threatened or endangered wildlife species habitat, the Department utilized its Landscape Maps, version 3.3 at <http://www.nj.gov/dep/gis/listall.html>. Review of the Landscape Maps has determined that a portion of the site is identified as habitat for Rank 3 Barred Owl and Rank 3 Red Headed Woodpecker.

The Department has been consistently reviewing activities in and around the proposed project site for several years, and has either reviewed Environmental Impact Statements prepared for these sites, or has conducted site investigations of nearby parcels. Particularly, adjacent sites were visited in September 1992 and June 2003. In both instances, the Department has concluded that this area is no longer suitable habitat for the Barred Owl based on the location of the actual species sighting

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(approximately one mile away), as well as the significant increase in development that has occurred in Lakewood since the original Barred Owl sighting in 1990.

Regarding the suitability of the habitat for Red-Headed Woodpecker, the Department performed a site inspection of the habitat directly to the south of the site on November 15, 2005, and determined that the habitat was too dense and underdeveloped (i.e. Tree size less than 8 inches diameter at breast height (DBH)) to be considered favorable for this species. Red-headed woodpeckers are commonly associated with mature, closed-canopied forest with a sparse understory (i.e. the shrubs and plants growing beneath the main canopy of the forest). This finding, coupled with the recently-constructed nearby housing development, led the Department to conclude that the area did not provide suitable habitat onsite. Therefore, Department does not consider this property more than marginal habitat for the Red-Headed Woodpecker. The impact from the proposed project should likely occur to unsuitable habitat or, at worst, have insignificant or discountable impacts to any regional habitat for the Red-Headed Woodpecker.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as Natural Heritage Priority sites identified pursuant to N.J.A.C. 7:15-4.4(e)2. Areas mapped as Natural Heritage Priority Sites are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as Natural Heritage Priority Sites pursuant to N.J.A.C. 7:15-4.4(e)2, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There are no Natural Heritage Priority Sites located on the subject site.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3. Areas identified as Category One waters and their corresponding 300-foot riparian zones

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are not to be included in SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There are no Category One waters or corresponding 300-foot riparian zones located on the subject site.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4. Areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. Pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Letter of Interpretation/Line Verification File No. 1514-05-0019.4 FWW160001 (LOI), demonstrating that the Department has confirmed that certain adjustments to areas mapped as wetlands were appropriate to reflect the actual extent of wetlands and transition areas on the site. There are no wetlands within the proposed SSA.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as coastal planning areas pursuant to N.J.A.C. 7:15-4.4(f). Areas mapped as Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas are not to be included in SSA, except, as provided under N.J.A.C. 7:15-4.4(f)1 and 2 to abate an existing imminent public health and safety issue, to accommodate infill development or as necessary to create a linear boundary that coincides with recognizable geographic, political, or environmental features depicted in the Department's GIS coverage. To evaluate the existence of any coastal planning areas identified in N.J.A.C. 7:15-4.4(f), the Department evaluated the presence of coastal planning areas identified on the CAFRA Planning Map available at <http://www.nj.gov/dep/gis/listall.html>. The subject site is not located

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within any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as areas subject to 201 Facilities Plan grant conditions pursuant to N.J.A.C. 7:15-4.4(g). Areas with Federal 201 grant limitations that prohibit the extension of sewers into specified ESAs are excluded from the SSA, unless documentation can be provided demonstrating that a mapping revision or waiver has been obtained from EPA, as provided under N.J.A.C. 7:15-4.4(g). To evaluate the existence of 201 Facilities Plan grant conditions that prohibit the expansion of SSA to ESAs, the Department reviewed the EPA list of New Jersey Counties with ESA Grant Conditions at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2>. There are no 201 Facilities Plan grant conditions for the proposed site.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department shall consider in the delineation of areas eligible for sewer service, the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans. In a letter dated January 9, 2018, the Township of Lakewood confirmed that the proposed project site is in the R-10A residential zone based on the adoption of the 2017 Lakewood Township Master Plan. In a January 24, 2018 email, the Ocean County Planning Board stated that the proposed amendment is not inconsistent with the Ocean County Master Plan's water quality management goals, and that the Planning Board had no objection to the proposed amendment.

Pursuant to N.J.A.C. 7:15-3.5(j)2, projects that propose to add 100 or more acres to the SSA or where the additional SSA would generate 20,000 gallons per day (gpd) or more of wastewater, a 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 is required. The proposed project plans to add 0.6

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acres to the SSA and the projected wastewater flow for the proposed project, anticipated to be received by the Ocean County Utilities Authority Northern Water Pollution Control Facility, is 900 gpd based on flow calculations in accordance with N.J.A.C. 7:14A-23.3. Therefore, no wastewater capacity analysis is required for this amendment.

This notice is to inform the public that a plan amendment has been proposed for the Ocean County WQM Plan. All information related to the WQM Plan and the proposed amendment is located at the:

Ocean County Department of Planning,
129 Hooper Avenue
Toms River, New Jersey 08754

AND

NJ Department of Environmental Protection
Office of Water Resources Management Coordination
P.O. Box 420, Mail Code 401-02A
401 East State Street
Trenton, NJ 08625-0420

The Department's file is available for inspection through the Open Public Records Act. Requests may be made on-line at <http://www.nj.gov/opra/>.

Interested persons may submit written comments on the amendment to WQM Program Docket, at the Department address cited above. Comments should reference Program Interest No. 435448, Activity No. 160002 and must be submitted within 30 days of the date of this public notice or within 15 days of the last public hearing, as described below. A copy should be sent to:

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Mr. Anthony Agliata

Ocean County Planning Board

P.O. Box 2191

Toms River, NJ 08754-2191

AND

Mr. Aaron Perlow

Congregation Maalos Hatorah

607 Fifth Street

Lakewood, NJ 08701

Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period in this notice. Such request should reference Program Interest No. 435448, Activity No. 160002 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.AC. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to WQM Program Docket at the Department address cited above. Should the Department decide to hold a public hearing, notice of said hearing and the revised comment period's closing date will be published in a future New Jersey Register. If a non-adversarial public hearing for the amendment is held, the public comment period provided by this notice shall close 15 days after the last public hearing. All comments submitted prior to the close of the comment period shall be considered by Ocean County and the Department in reviewing the amendment request.

Sewer service is not guaranteed by this amendment. This proposed amendment represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service

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area 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.

SIGNED

Alan Miller, Manager
Office of WRM Coordination
Department of Environmental Protection

March 9, 2018

Date