

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 17, 2023, 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 Monmouth County Water Quality Management Plan**

**Take notice** that on February 24, 2023, 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 Monmouth County Water Quality Management (WQM) Plan. The amendment, identified as “Pallu Associates LLC/Hyde Park Residential Development”, (Program Interest No. 435462, Activity No. AMD210001) expands the Bayshore Regional Sewerage Authority sewage treatment plant (BRSA STP) sewer service area (SSA) by 4.04 acres to serve a proposed multi-family residential development on Block 146, Lots 25 (portion) and 26 (portion), in Marlboro Township, Monmouth County. The proposed project includes 47 one-bedroom units, 251 two-bedroom units, 89 three-bedroom or larger units, and a clubhouse. The proposed project would generate a projected wastewater flow of 95,850 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3 to be received by the BRSA STP (New Jersey Pollutant Discharge Elimination System (NJPDES) Permit #NJ0024708).

Preliminary notice was published in the New Jersey Register on October 17, 2022, at 54 N.J.R. 1984(a). No comments were received during the comment period. This notice represents

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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 Marlboro Township, the Western Monmouth Utilities Authority (WMUA), and the Bayshore Regional Sewerage Authority (BRSA). Marlboro Township adopted Resolution # 2019-348 on December 12, 2019, consenting to the proposed amendment. The WMUA adopted Resolution 20-53 on March 24, 2020, consenting to the proposed amendment. The BRSA adopted Resolution No. (148/21) on December 20, 2021, consenting to the proposed amendment. The Monmouth County Board of County Commissioners, as the Designated WQM Planning Agency, adopted Resolution 2022-0974 on December 13, 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 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 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 total projected wastewater flow of 20,000 gpd or more and is thus subject to a wastewater capacity analysis modification. The purpose of the modification is to demonstrate the BRSA STP has the available capacity to service the project. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing

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wastewater flow at the BRSA STP, calculated as the highest consecutive 12-month rolling average during the five-year period preceding the amendment application (September 2016 to September 2021), was determined to be 8.517 million gallons per day (MGD) (November 2018 - October 2019) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner (<https://njems.nj.gov/DataMiner>). The BRSA STP is currently permitted to discharge up to 16 MGD under NJPDES Permit No. NJ0024708. As such, the BRSA STP currently has capacity for the proposed project.

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:

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- 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 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 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 to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #1328-05-0005.2 FWW200001), 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

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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 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 Marlboro Township Planning Board adopted Resolution PB 1212-20 on March 3, 2021, granting Preliminary and Final Site Plan approval. The Marlboro Township Engineer’s office issued a letter dated May 4, 2021, stating that the proposed project is consistent with the Township’s zoning regulations. The Monmouth County Planning Board issued a Site Plan Action Letter for File No. MRSP10131 on March 1, 2021, granting Final Site Plan approval.

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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2/24/2023

Date

A handwritten signature in blue ink that reads "Gabriel Mahon". The signature is written in a cursive style with a horizontal line underneath it.

Gabriel Mahon, Bureau Chief

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