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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 March 22, 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 Ocean County Water Quality Management (WQM) Plan. The amendment, identified as “20 Airport Road” (Program Interest No. 435448, Activity No. AMD210004) expands the sewer service area (SSA) of the Ocean County Utilities Authority Northern Wastewater Pollution Control Facility (OCUA Northern WPCF) by 3.65 acres on Block 1160.01 Lots 386 (portion) and 387 (portion), within Lakewood Township, Ocean County. The expansion of the SSA allows for the construction of a commercial development of a 10,000 square foot (sq. ft.) building which will have a 100-seat restaurant and a 300-seat catering facility. The entire proposed development also includes a 24,420 sq. ft. four-story office building; however, this building is located within the presently adopted SSA and is not the subject of this amendment. The amendment portion of the project would generate a projected wastewater flow of 9,500 gallons

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per day (gpd), as 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 November 7, 2022, at 54 N.J.R. 2109(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 Lakewood Township Municipal Utilities Authority (LTMUA), Lakewood Township, the Ocean County Utilities Authority, and the Ocean County Board of County Commissioners. The LTMUA adopted Resolution No. 22-89 on November 1, 2022, consenting to the proposed amendment. Lakewood Township adopted Resolution #2022-391 on November 10, 2022, consenting to the proposed amendment. The Ocean County Utilities Authority stated in a letter dated November 15, 2022, that it would not take a formal position on the proposed amendment. The Ocean County Board of County Commissioners adopted Resolution #2023000073 on January 18, 2023, and corrected on February 1, 2023, via Resolution #2023000192, consenting to 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

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gpd or more of wastewater flow 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 at 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 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 Landscape Maps of Habitat for Endangered, Threatened or other Priority Wildlife based on

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the “Landscape Project Data” Version 3.3 GIS data layers, in accordance with N.J.A.C. 7:15-4.4(e)1. There are areas mapped as Rank 3 Black Crowned Night Heron species habitat elsewhere on the proposed project site, but these areas are not proposed to be developed nor disturbed and are not proposed for inclusion in the SSA.

- 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 7:15-4.4(e)3.
- The Department determined that there are wetlands located on the proposed 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 # 1514-13-0006.1 FWW190001 confirming that there are no wetlands within the expanded sewer service area.
- 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).

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- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project based on the U.S. Environmental Protection Agency 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 Lakewood Township planning board administrator issued an email dated July 28, 2021, indicating that the proposed project is located within the Airport Business Commercial Zone which allows for restaurants and offices. The Lakewood Township engineering firm, in a letter dated June 22, 2021, stated the proposed project is consistent with the Lakewood Township master plan. The Ocean County Planning Director issued a letter dated June 23, 2021, stating that the proposed project is consistent with the Ocean County Comprehensive 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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3/22/2023

Date

SIGNED

Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Division of Watershed Protection and Restoration

NJ Department of Environmental Protection