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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 August 9, 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 Calloway's Restaurant and Bar (Program Interest No. 435448, Activity No. AMD210005), expands the sewer service area (SSA) of the Ocean County Utilities Authority Southern Wastewater Pollution Control Facility (OCUA Southern WPCF) by 2.94 acres to serve an existing commercial development located on Block 29/Lots 21 (portion), 22, and 23 (portion) within Eagleswood Township, Ocean County. The existing development on site consists of an 8,000 square foot (sf) 298-seat restaurant and bar, a 4,800 sf 135-seat restaurant, and a building that has one three-bedroom apartment, two one-bedroom apartments, and a 300 sf area that includes two bathrooms for patrons. This development is presently served by an individual subsurface sewage disposal system (ISSDS septic system). The existing septic system will be closed and all wastewater will be conveyed to the OCUA Southern WPCF [New Jersey Pollutant

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Discharge Elimination System (NJPDES) Permit #NJ0026018]. The site generates a projected wastewater flow of 17,285 gallons per day (gpd), as calculated in accordance with N.J.A.C. 7:14A-23.3. This amendment applies only to the existing structures referenced above. Any future expansion of the existing facilities, construction of new wastewater generating structures, and/or redevelopment of the site beyond the limits of the proposed sewer service area is not authorized by this amendment and would require additional Department review and an additional WQM Plan amendment.

Preliminary notice was published in the New Jersey Register on May 15, 2023, at 55 N.J.R. 1043(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 Ocean County Utilities Authority (OCUA), Eagleswood Township and the Ocean County Board of County Commissioners. The Ocean County Utilities Authority stated in a letter dated May 25, 2023, that it would not take a formal position on the proposed amendment. Eagleswood Township adopted Resolution 2023-73 on June 26, 2023, consenting to the proposed amendment. The Ocean County Board of County Commissioners adopted Resolution #2023000958 on July 6, 2023, consenting to the proposed amendment.

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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 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 SSAs, 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:

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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 7:15-4.4(e)3.
- The Department determined that the expanded 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 expanded SSA is located within a Rural Planning Area 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's review determined that the project qualifies for inclusion in the sewer service area pursuant to N.J.A.C. 7:15-4.4(f)1, which allows for inclusion in the sewer service area to abate an existing imminent public health and safety issue. As documented in a September 1,

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2021, letter issued by the Ocean County Health Department (OCHD), the OCHD determined that the present septic system is significantly undersized, has a high potential for system failure, and that the current facilities on the property pose an imminent threat to public health and safety. As stated above, this amendment applies only to the existing structures and any future expansion of the existing facilities, construction of new wastewater generating structures and/or redevelopment of the site beyond the limits of the proposed sewer service area is not authorized by this amendment and would require additional Department review and an additional WQM Plan amendment.

- 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 property is located within the C2-V Highway Commercial/Village Zone. On December 12, 2022, the Eagleswood Township clerk confirmed that the Eagleswood Township Land Use Board staff support the proposed amendment and the connection of the site to the OCUA sewer system. The Ocean County Planning Board issued a

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letter dated July 20, 2021, stating that the proposed amendment is 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 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.

8/9/2023

Date



Gabriel Mahon, Bureau Chief

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