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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. AMD150006), submitted by Professional Design Services on behalf of Yeshiva Gedolah Bais Yisroel would expand the sewer service area (SSA) of the Ocean County Northern Water Pollution Control Facility (WPCF) by 0.43 acres to allow for the construction of the Yeshiva Gedolah Bais Yisroel, a private school with a dormitory for 34 students. The proposed project site is located in Lakewood Township, Ocean County on portions of: Block 175/ Lots 11 & 82, which is located west of Ridge Avenue and south of Arnold Boulevard. 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 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.

In accordance with N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as threatened and endangered wildlife habitat identified pursuant to N.J.A.C. 7:15-4.4(e)1. 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 3.1 at <http://www.nj.gov/dep/gis/listall.html>. 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). Review of the proposed project site has determined that a portion of the site is identified as Rank 4 Black Crowned Night Heron and Bald Eagle habitat.

On October 7, 2015 the Department received a Habitat Suitability Determination application (HSD), prepared by Dubois Environmental Consultants. The HSD application was submitted in accordance with the provisions at N.J.A.C. 7:15-4.6 This section of the Water Quality Management Planning Rules describes the information that must be submitted by an applicant in order for the Department to re-evaluate the finding that a site is constrained for threatened and endangered species habitat. The Department determined that while the proposed building footprint does encroach into a small area of mapped wetland forest, the footprint appears to largely be outside of the bald eagle foraging habitat model. The area of mapped wetlands forest that the proposed building footprint encroaches into is not significant habitat for the Bald Eagle. In addition, the footprint is not located in an area that would be considered to be suitable for Black-crowned Night-heron foraging habitat.

In accordance with N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as Natural Heritage Priority sites identified pursuant to N.J.A.C. 7:15-4.4(e)2. 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>. 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). There are no Natural Heritage Priority Sites located on the subject site.

In accordance with N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as Category One waters and their corresponding 300 foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3. 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>. Areas identified as Category One waters and their corresponding 300 foot riparian zones are not to be included in SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). There are no Category One waters or their corresponding 300 foot riparian zones located on the subject site.

In accordance with N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4. 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>. 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). Pursuant to N.J.A.C. 7:15-4.4(j)3, Letter of Interpretation/Line Verification File No. 1514-03-0006.1 FWW030001 (LOI) was provided, confirming the extent of wetlands and transition areas on the site. The above mentioned approval remains valid under the Permit Extension Act at N.J.A.C. 7:1B until June 30, 2017. There are no wetlands within the proposed SSA.

In accordance with 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). 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>. 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. The subject site is not located within any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas.

In accordance with 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). The Department evaluated the presence of 201 Facilities Plan grant conditions that prohibit the expansion of SSA into ESAs. The Department evaluated mapped wetlands utilizing its GIS data at <http://www.nj.gov/dep/gis/listall.html> and flood plains using the Federal Emergency Management Agency (FEMA) flood plain mapping at <https://msc.fema.gov/portal>. 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). There are no 201 Facilities Plan grant conditions that provide for the restriction of SSA into ESAs.

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. Based on the review of local zoning maps and master plans, the proposed project is consistent with the local zoning ordinance, and the local and county master plan.

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 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 0.43 acres to the SSA and the projected wastewater flow for the proposed project, anticipated to be received by the Ocean County Utilities Authority Northern WPCF, is 2,550 gpd based on flow calculations in accordance with N.J.A.C. 7:14A-23.3.

This notice is being given 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
Court House Square
P.O. Box 2191
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 with a copy sent to:

Mr. David McKeon
Ocean County Planning Board
P.O. Box 2191
Toms River, NJ 08754-2191

AND

Graham Macfarlane
Professional Design Services
1245 Airport Road – Suite 1
Lakewood, NJ 08701

All comments should reference Program Interest No. 435448, Activity No. AMD150006 and must be submitted within 30 days of the date of this public notice. If a public hearing is held, as provided below, all comments must be submitted 15 days after the close of the 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.

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 up to 30 additional days. These requests should reference Program Interest No. 435448, Activity No. AMD150006 and must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of this notice to WQM Program Docket at the Department address cited above. If a public hearing for the amendment is held, the public comment period provided in this notice shall close 15 days after the public hearing.

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. These issues may include, but are not limited to, obtaining all permits for the proposed projects; meeting all regulatory requirements for needed permits, compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works; development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State law or to any contractual arrangements between municipalities, authorities and/or private parties. Inclusion in the sewer service 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

Colleen Kokas, Director
Office of WRM Coordination
Department of Environmental Protection

November 2, 2016

Date