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ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

PROPOSED AMENDMENT TO THE MONMOUTH 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 Monmouth County Water Quality Management (WQM) Plan. This amendment proposal (Program Interest No. 435462, Activity No. AMD160001), submitted by Matrix New World Engineering on behalf of 670 West Front Street LLC would expand the sewer service area (SSA) of the Township of Middletown Sewerage Authority by 1.82 acres to allow for the construction of a single family home. The entire proposed development is for 9 single family homes, however, 8 of these proposed homes are in the presently adopted SSA and are not the subject of this amendment. The proposed project site is located in Middletown Township, Monmouth County on a portion of Block 1020/Lot 12, which is located north of West Front Street and west of Davis Lane. 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 Bald Eagle habitat.

The proposed project had received a Flood Hazard Area and Riparian Verification Approval from the Department in 2015 and a Freshwater Wetlands Transition Area Waiver Averaging Plan Approval in 2011. A review of the proposed project by the Department in September 2016 found that the riparian buffers and wetland buffers required by these approvals to be adequately protective of the Bald Eagle habitat and that a Habitat Suitability Determination (HSD), submitted in accordance with the provisions at N.J.A.C. 7:15-4.6, would not be required. These buffer areas have been protected by the applicant through conservation easements that have been recorded by the Monmouth County Clerk as per the requirements of the above referenced approvals and in accordance with N.J.A.C. 7:15-4.4(j).

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). Freshwater Wetlands Transition Area Waiver Averaging Plan Approval File No. 1331-06-0027.1 FWW110001 and Flood Hazard Area and Riparian Verification Approval File No. 1331-06-0027.1 FHA150001 have been issued by the Department, confirming that the extent of wetlands and transition areas are accurately delineated on the proposed project site and confirming that the proposed project meets the requirements to disturb regulated areas pursuant to N.J.A.C. 7:7A-4.3, 6.2, 13.1 and N.J.A.C. 7:13-5. Pursuant to N.J.A.C. 7:15-4.4(j)3, Letter of Interpretation/Line Verification File No. 1331-06-0027.1 FWW060001 (LOI) was provided, confirming the extent of wetlands and transition areas on the 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 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 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, as provided under N.J.A.C. 7:15-4.4(f)1 and 2. 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 1.82 acres to the SSA and the projected wastewater flow for the proposed project, anticipated to be received by the Township of Middletown Sewerage Authority, is 300 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 Monmouth County WQM Plan. All information related to the WQM Plan and the proposed amendment is located at:

Monmouth County Division of Planning
Hall of Records Annex
One East Main Street
Freehold, NJ 07728

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:

Ms. Linda Brennen
Monmouth County Division of Planning
One East Main Street
Freehold, NJ 07728

AND

Sean Savage
Matrix New World Engineering
442 State Route 35 – 2nd Floor
Eatontown, NJ 07724

All comments should reference Program Interest No. 435462, Activity No. AMD160001 and must be submitted within 30 days of the date of this public notice or within 15 days after the close of the public hearing, as provided below. All comments submitted prior to the close of the comment period shall be considered by Monmouth 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. 435452, Activity No. AMD160001 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

December 14, 2016

Date

