

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 3, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATER RESOURCE MANAGEMENT**

### **DIVISION OF WATER MONITORING AND STANDARDS**

### **Proposed Amendment to the Ocean County Water Quality Management Plan**

#### **Public Notice**

**Take notice** that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed site specific amendment to the Ocean County Water Quality Management (WQM) Plan and wastewater management plan (WMP) in accordance with the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15. The proposed amendment (Program Interest No. 435448, Activity No. AMD190004) would expand sewer service area (SSA) of the Ocean County Utilities Authority by 1.422 acres to serve a proposed expansion of an existing campground on Block 173, Lot 3.02 (portion), Little Egg Harbor Township, Ocean County. The proposed project, identified as "Sea Pirate Campground", consists of 40 proposed campsites that would generate a projected wastewater flow of 4,000 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, to be received by the Ocean County Southern Water Pollution Control Facility (NJPDES Permit #NJ0026018). The existing campsites within the Sea Pirate Campground are located in the presently adopted SSA and are not the subject of this proposed amendment. The proposed amendment has been reviewed pursuant to the Water Quality Management Planning rules at

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N.J.A.C. 7:15. This notice represents the Department's determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.3, 3.5, 4.4 and 4.5, as described below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of the eligible sewer service area 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 must update 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 plant capacity analysis is not required.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as sewer service areas, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One waters and their tributaries, or wetlands; coastal planning areas identified under N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions under 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 <http://www.nj.gov/dep/gis/listall.html> 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) through (g) and made the following findings:

- The Department determined that the expanded SSA contains areas mapped as endangered and threatened wildlife species habitat Rank 3, 4 or 5 on the Department's Landscape Maps of Habitat for

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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’s review determined that the site is mapped as Rank 3 habitat for Bald Eagle. However, based on a Habitat Suitability Determination prepared pursuant to N.J.A.C. 7:15-4.6, the Department determined that the proposed project site does not offer documented and/or suitable habitat for foraging or wintering Bald Eagles, primarily due to the location of the campground relative to existing Bald Eagle foraging and wintering areas.

- 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 Category One (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 and 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 the expanded SSA does not contain any wetlands based on the “Wetlands 2012” GIS data layer and confirmed by Freshwater Wetlands Letter of Interpretation (LOI): Line Verification File #1516-17-0007.1 FWW170001.
- The Department determined that the expanded SSA does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the “CAFRA Layers” GIS layer in accordance with 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 site based on the USEPA list of New Jersey Counties 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 zoning ordinances and future land uses shown in municipal or county master plans. The Little Egg Harbor Township Zoning Board of Adjustment issued Resolution 97-13 on May 14, 1997 granting Preliminary and Final Site Plan Approval. The Ocean County Planning Board issued a letter on October 16, 2019 stating that the proposed project is consistent with the Ocean County Master Plan.

This notice is 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:

Ocean County Department of Planning

129 Hooper Avenue

Toms River, New Jersey 08754

AND

New Jersey Department of Environmental Protection

Division of Water Monitoring and Standards

Bureau of Environmental Analysis, Restoration and Standards

P.O. Box 420, Mail Code 401-041

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401 East State Street

Trenton, New Jersey 08625-0420

The Department's file is available for inspection between 9:00 a.m. and 4:00 p.m., Monday through Friday. An appointment to inspect the file may be arranged by calling the Bureau of Environmental Analysis, Restoration and Standards at (609) 633-1441.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above. Comments should reference Program Interest No. 435448, Activity No. AMD190004 and must be submitted within 30 days of the date of this public notice. A copy of the written comments should be sent to:

Mr. Anthony Agliata

Ocean County Department of Planning

P.O Box 2191

Toms River, New Jersey 08754-2191

AND

Mr. Bruce Jacobs

Gravatt Consulting Group

P. O Box 1007

414 Lacey Road

Forked River, New Jersey 08731

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Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435448, Activity No. AMD190004 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.AC. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future New Jersey Register and the comment period will be extended to 15 days after the public hearing date. All comments submitted prior to the close of the comment period shall be considered by the Department before making a final decision on the proposed amendment.

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 adoption 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.

12/16/19

SIGNED

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Date

Bruce S. Friedman, Director

Division of Water Monitoring and Standards