

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF COASTAL AND LAND USE PLANNING

ADOPTED AMENDMENT TO THE CAPE MAY COUNTY WATER QUALITY  
MANAGEMENT PLAN

Public Notice

**APR 1-2 2012**

Take notice that on \_\_\_\_\_ pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Cape May County Water Quality Management (WQM) Plan was adopted by the Department. This amendment, submitted by Ralph Clayton, allows for the construction of a discharge to groundwater wastewater treatment facility to serve a proposed residential development consisting of 134 single-family mobile home units (45 three-bedroom units and 89 two-bedroom units). The projected wastewater flow, calculated in accordance with N.J.A.C. 7:14A-23.3, is 33,525 gallons per day (gpd). The treatment facility's service area includes 32.68 acres located on Block 639, Lots 15.01, 15.02, and 15.03 in Upper Township, Cape May County. The project is located on the southern side of Tuckahoe Road (County Highway 631), and is bordered to the south by the Atlantic City Railroad right-of-way and to the east by lots located along Church Road (County Highway 602). The project will be provided public water by New Jersey American Water Company within an existing allocation utilizing the confined Cohansey aquifer. The location of the diversion is Marmora and the water allocation permit number is PWSID #0508001 permit # 5324X(5324) for 12 wells and 5324X(5360) for 2 wells. The project location is within the Marmora/Beesley's Point/Palermo CAFRA town center.

This amendment has been reviewed in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18.

The Department's review determined that the southwest portion of the proposed project site (in lots 15.01 and 15.02) is Rank 3 threatened and endangered species habitat for Barred Owl, Black Crowned Night Heron, Least Tern, and Black Skimmer as identified by the Department's Landscape Project version 2.1. The Division of Fish and Wildlife's

Endangered and Nongame Species Program has developed the Landscape Project, which identifies State and Federal listed Endangered and Threatened Species habitat. In addition, the above described environmentally sensitive area is located within the boundaries of a delineated wetland and adjacent 150 foot wetlands buffer area. The wetlands boundary and 150 foot wetlands buffer line have been recognized in a May 25, 2007 Letter of Interpretation (L.O.I.), file No. 0511-07-0003.1 FWW070001, that has been issued by the Department's Division of Land Use Regulation. The environmentally sensitive areas of the site (including wetlands and wetlands buffers) are not proposed for development in the project. On October 14, 2011, the Department received a drafted deed restriction and an accompanying metes and bounds description that would prohibit sewer connections to the portion of the above referenced property that includes wetlands and wetlands buffers. The Department requested the drafted deed restriction and metes and bounds description in a September 7, 2011 letter to the applicant. The draft deed restriction and metes and bounds description submitted by the applicant meets the Department's requirements to assure the environmentally sensitive areas are protected. This deed restriction must be filed and recorded by the Cape May County Clerk and proof of recordation must be submitted to the Department before the commencement of any development related work upon the property can take place.

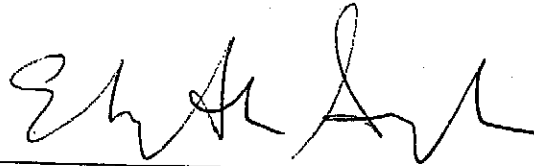
The Department's proposed Water Supply Management Strategy as a result of the enactment of P.L. 2001, Chapter 165, requires additional water conservation measures throughout Cape May County. While Upper Township does not have an ordinance that limits outdoor water use, a regional approach to promote conservation is being developed to ensure a safe and adequate sustainable water supply for the entire County.

A preliminary review and assessment of potential groundwater impacts by the Department's Bureau of Nonpoint Pollution Control did not find any significant issues with the proposed project. A more detailed review of the proposed project's wastewater treatment plant and associated disposal fields will be conducted during the permit review process for the applicant's New Jersey Pollutant Discharge Elimination System (NJPDES) and Treatment Works Approval (TWA) permits.

The project is subject to regulation under the Coastal Area Facility Review Act (CAFRA) and therefore will require a CAFRA Individual Permit from the Department's Division of Land Use Regulation.

This amendment proposal was noticed in the New Jersey Register on February 6, 2012 at 44 N.J.R. 312(a) and no comments were received during the comment period.

Approval of this amendment does not eliminate the need for any permits, approvals or certifications required by any other Federal, State, County or municipal review agency with jurisdiction over this project activity.



Elizabeth Semple, Manager  
Division of Coastal and Land Use Planning  
Department of Environmental Protection

4/12/12

Date