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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Cape May County Water Quality Management Plan

Public Notice

Take notice that on August 19, 2019, 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 (Program Interest No. 435464, Activity No. AMD180002) to the Cape May County Water Quality Management Plan. This amendment expands the sewer service area (SSA) of the Seven Mile Middle Regional Wastewater Treatment Facility (WTF) by 3.18 acres to serve a proposed medical facility located on Block 131, Lot 2 in Middle Township, Cape May County. The proposed project, identified as the "Cape Regional Medical Center," includes an 18,300 square-foot, single-story building that would generate a projected wastewater flow of 2,750 gallons per day (gpd), based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, to be received by the Seven Mile Middle Regional WTF (NJPDES No. NJ0052900). Preliminary notice was published in the New Jersey Register on May 20, 2019 at 51 N.J.R. 781(a). No comments were received during the comment period. This amendment has been reviewed pursuant to the Water Quality Management Planning rules at 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 SSA 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 to the SSA or that would generate 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 capacity analysis is not required.

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 Middle Township, Cape May County Board of Chosen Freeholders and the Cape May County Municipal Utilities Authority. A statement of consent from a governmental entity must be in the form of a resolution adopted by the entity's governing body. On May 20, 2019, Middle Township adopted Resolution 238-19 in support of the proposed amendment. On July 9, 2019, the Cape May County Board of Chosen Freeholders adopted Resolution No. 512-19 in support of the proposed amendment. On June 5, 2019, the Cape May County Municipal Utilities Authority adopted Resolution 90-19 in support of the proposed amendment.

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) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitats, 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 does contain areas mapped as endangered or threatened wildlife species habitat Rank 3 Cattle Egret, Rank 3 Barred Owl, and Rank 4 Eastern Tiger Salamander 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. However, based upon a habitat suitability determination prepared pursuant to N.J.A.C. 7:15-4.6, the Department determined that the expanded SSA does not contain suitable habitat for all three species. While a woodlot on the project site offers a potential resting and roosting site for Cattle Egret, the absence of a nearby rookery and suitable foraging habitat negates the likelihood that the woodlot is a potential resting and roosting site. The wooded area is in proximity to a major highway, which limits the probability that the forest patch would be suitable habitat for the Barred Owl. The absence of marsh wetland habitat on the site deems the habitat unsuitable for Eastern Tiger Salamander.
- 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 there are mapped wetlands located on the project site based on the "Wetlands 2012" GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4; however, pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI): Presence/Absence Determination File #0506-18-0003.1 FWW180001 confirming that there are no wetlands located within the expanded SSA.

- The Department determined that the expanded SSA is located in a Coastal Fringe Planning Area mapped on the CAFRA Planning Map based on the “CAFRA Layers” GIS layer in accordance with 7:15-4.4(f); however, the Department determined that this project meets the definition of infill development and creates a linear boundary that coincides with recognizable geographic features depicted in Department GIS coverages since it is "contiguous to and substantially surrounded by developed land that is served by a wastewater treatment facility as of the November 7, 2016, and ... will generate less than or equal to 8,000 gallons of wastewater per day." The proposed project is bounded on two sides by eligible sewer service area and on the other two sides by roads.
- The Department determined that, while the receiving WTF is subject to 201 Facilities Plan grant conditions 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), these conditions are not applicable since the expanded SSA does not contain any wetlands or floodplains.

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 and determined that the expanded SSA is consistent with land uses allowed by local zoning and the county and local master plans. The Department received a letter dated October 18, 2018 from the Cape May County Planning Director stating that the project is consistent with the county master plan. The Department also received verbal and email confirmation from Middle Township in December 2018 that the project is consistent with the municipal master plan and zoning ordinances.

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 resulting from adoption of this amendment would 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.

Date 08/19/19

_____ signed _____

Bruce S. Friedman, Director

Division of Water Monitoring and Standards