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**DEPARTMENT OF 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 **March 9, 2021**, pursuant to 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 to the Cape May County Water Quality Management (WQM) Plan. The amendment, identified as “Ocean Isle Campground” (Program Interest No. 435464, Activity No. AMD190002), establishes a 3.24 acre on-site sewer service area (SSA) for a proposed discharge to ground water (DGW) facility that will replace the existing Shady Oaks Campground SSA and facility, currently operating under a New Jersey Pollution Discharge Elimination System (NJPDES) T-1 permit, Permit No. NJG0085171, for recreational use on portions of Block 453.10, Lots 361 and 363.03, Upper Township, Cape May County. The amendment consists of 23 proposed new campsites and 2 relocated campsites from adjacent lots. The project would generate a projected wastewater flow of 5,000 gallons per day (gpd) to be received by a new subsurface sewage disposal system based on flow calculated in accordance with N.J.A.C. 7:9A-7.4.

The preliminary notice was published in the New Jersey Register on April 6, 2020 at 52 N.J.R 806(b). No comments were received during the public comment period. This notice represents the Department’s determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15 as described below.

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 Upper Township and the New Jersey Pinelands Commission. The Pinelands Commission issued a response on June 10, 2020 that the project is consistent with the

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Regional Growth management area. Upper Township declined to respond to the applicant's request for a resolution of consent. The Cape May County Board of Chosen Freeholders, as the Designated WQM Planning Agency, adopted Resolution 588-20 on September 22, 2020, approving of the proposed amendment.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations to 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 or generating 20,000 gpd or more of wastewater flow shall include a proposed 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. 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.

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 any contiguous area of 25 acres or larger consisting of any of the following, alone or in combination: 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), (f) and (g) and made the following findings:

- The Department determined that the SSA does not contain any areas mapped as endangered or threatened wildlife species habitat Rank 3, 4 or 5 on the Department's Landscape Maps of Habitat

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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.

- The Department determined that the 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 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 SSA does not contain any wetlands based on the “Wetlands 2012” GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4.
- The Department determined that the SSA does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and 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).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project site based on the United States Environmental Protection Agency 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 and determined that the expanded SSA is consistent with the Cape May County Comprehensive Plan as outlined in a letter dated April 9, 2019 from Cape May Planning Department, and consistent with land use according to a resolution adopted June 20, 2019 by the Upper Township Planning Board.

