

ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

Adopted Amendment to the Monmouth County Water Quality Management Plan

Public Notice

Take notice that on ~~JAN 11 2016~~, 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 (PI# 435462; Activity #AMD150003) to the Monmouth County Water Quality Management Plan (WQMP) was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of Friendship Circle expands the sewer service area (SSA) of the Western Monmouth Utilities Authority (WMUA) Sewage Treatment Plant (STP) by 5.92 acres to allow for the construction of a quasi-public non-profit facility which would provide recreational opportunities for children with special needs and young adults. The proposed project site is located in Marlboro Township, Monmouth County on a portion of Block 172/Lots 27 & 29 which is southeast of the intersection of Texas Road and Spring Valley Road. This amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and P.L. 2011, c. 203 as amended and supplemented by P.L 2013, c. 188. This notice represents the Department's determination that the amendment is in compliance with the regulatory criteria pursuant to N.J.A.C. 7:15-5.24 and 5.25.

N.J.A.C. 7:15-5.24 identifies several areas that are not to be provided sewer service due to their environmental sensitivity. Pursuant to N.J.A.C. 7:15-5.24(b), ESAs are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One (C1) special water resource protection areas, and wetlands, alone or in combination. No such ESA's are included in the SSA.

In accordance with N.J.A.C. 7:15-5.24(b)1, to identify areas designated as threatened or endangered species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, version 3.1. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species

Ranks 3 (State threatened), 4 (State endangered), and 5 (Federal endangered or threatened) are not to be included in SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the proposed project site has determined that no threatened or endangered species habitat exists on site.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the project site has determined that no Natural Heritage Priority Sites exist on site.

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along Category One waters and their tributaries are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). The Department has determined that no special water resource protection areas along Category One waters or their tributaries exist on the site.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). In accordance with N.J.A.C. 7:15-5.24(e)2, Freshwater Wetlands Letter of Interpretation Reissuance File No. 1328-04-0002.1 FWW090001 (LOI) was provided, confirming the extent of wetlands and transition areas on the site. The above mentioned approval remains valid under the Permit Extension Act at N.J.A.C. 7:1B until June 30, 2016. The provisions of N.J.A.C. 7:15-5.24(b)4, have been satisfied as there are no wetlands within the SSA as per the LOI delineation.

Pursuant to N.J.A.C. 7:15-5.24(c), Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Areas shall be excluded from SSA. There are no such areas on the site.

Pursuant to N.J.A.C. 7:15-5.24(d)1, areas with Federal 201 grant limitations that prohibit the extension of sewers into specified environmentally sensitive areas are excluded from the SSA. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities), which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this amendment and compliance is required.

In addition to the environmentally sensitive areas with Federal 201 grant limitations there are other special restricted areas, not applicable here, which must also be excluded from SSA pursuant to N.J.A.C. 7:15-5.24(d)2 through 4. Specifically, there are no beaches, coastal high hazard areas, or dunes on the project site.

In accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of the project is to be evaluated. However, P.L. 2013, c.188 allows the Department to approve the inclusion of land within a sewer service area notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modifications. Therefore, amendments to expand a sewer service area may be approved if such actions are compliant with the applicable sections of the WQM Planning rules (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. Currently the Pine Brook Treatment Plant (NJ0023728) is permitted to discharge up to 8.8 million gallons per day (mgd) of treated wastewater to the Pine Brook. Based on an average of the monthly average flow for the most recent twelve month period for which discharge monitoring data is available, the existing wastewater flow discharged from the Pine Brook Treatment Plant was calculated to be 7.9 mgd. The projected wastewater flow for the proposed new development, calculated in accordance with N.J.A.C. 7:14A-23.3, is 4,500 gallons per day.

In accordance with N.J.A.C. 7:15-5.25(h)3 the water supply need of a site is to be evaluated. Water supply for the proposed project will be provided by the Marlboro Township Municipal Utilities Authority (MTMUA) which holds PWSID 1328002. The MTMUA is a public water system that withdraws water from the Farrington Aquifer. The location of the diversion is at the intersection of Tennent Road and Route 18. MTMUA is currently allocated 337 million gallons per month (MGM) and has a water supply surplus of 83.667 MGM established by Water Allocation Permit No. 5055. The proposed water demand of the project, calculated in accordance with N.J.A.C. 7:15-5.25(f)1i, is 0.209 MGM.

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater management is to be evaluated. However, P.L. 2013, c. 188 directs that there is a presumption that an engineered subdivision or site plan is not required. Without such information a review and determination of compliance with the Stormwater Management rules (N.J.A.C. 7:8) is not possible. The municipal governments are responsible for review and implementation of the Stormwater Management rules

during their review and approval of proposed development. Marlboro Township has an adopted stormwater management ordinance (No. 2006-21); see N.J.A.C. 7:8-4. Marlboro Township is also required to implement the N.J.A.C. 7:8 requirements incorporated in the Residential Site Improvement Standards; see N.J.A.C. 5:21-7.

In accordance with N.J.A.C. 5.25(h)5, riparian zones are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.25(h)i-vii. A riparian zone of Deep Run (FW2-NT) has been identified on the property. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act rules, the Stormwater Management rules, and the Water Quality Management Planning rules. The provisions at N.J.A.C. 7:15-5.25(h)5i, have been satisfied by the exclusion of the riparian corridor and associated 50 foot buffer to the Deep Run from the SSA.

In accordance with N.J.A.C. 7:15-5.25(h)6, proposed development disturbance is not to be located in areas with steep slopes, defined as any slope equal to or greater than 20 percent. Although there are steep slopes on a portion of Lot 29, the provisions of N.J.A.C. 7:15-5.25(h)6 have been satisfied by the exclusion of these areas from the SSA.

The project site is located within Marlboro Township's Land Conservation zone. As such, the proposed project is not a permitted use as defined in chapter 220-47 of the Marlboro Township zoning code. However, on October 27, 2015 the Marlboro Township Board of adjustment issued a use variance for the proposed project. The Monmouth County Board of Chosen Freeholders approved the amendment application through the issuance of Resolution 2015-1042 on November 24, 2015.

This amendment proposal was noticed in the DEP Bulletin on November 4, 2015 at Volume 39, Issue 21, pages 18-21 and no comments were received during the comment period.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. These issues may include, but are not limited to, the following: 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 statutes or rules. Approval of this amendment does not eliminate the need for any permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.

Sewer service to any particular project is subject to contractual arrangements between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.



Colleen Kokas, Director
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Department of Environmental Protection

1-11-16

Date

