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ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

ADOPTED AMENDMENT TO THE MONMOUTH COUNTY WATER QUALITY MANAGEMENT PLAN

Public Notice

Take notice that on April 13, 2017, 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 (Program Interest No. 435462, Activity No. 160001) to the Monmouth County Water Quality Management Plan (WQMP) was adopted by the Department of Environmental Protection (Department). This amendment submitted by Matrix New World Engineering on behalf of 670 West Front Street LLC expands the sewer service area (SSA) of the Township of Middletown Sewerage Authority by 1.82 acres to allow for the construction of a single family home. The entire proposed development is for nine single family homes, however, eight of these proposed homes are in the presently adopted SSA and are not the subject of this amendment. The proposed project site is in Middletown Township, Monmouth County on a portion of Block 1020/Lot 12, which is located north of West Front Street and west of Davis Lane. Preliminary notice was published in the New Jersey Register on January 17, 2017 at 49 N.J.R. 211(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. 7:15-3.5 and 4.4 and serves as public notice of the Department's final decision pursuant to N.J.A.C. 7:15-3.5(g)11.

Pursuant to N.J.A.C. 7:15-4.4(d), sewer service may only be provided to areas that are not identified as Environmentally Sensitive Areas (ESAs), certain coastal planning areas, or areas subject to US Environmental Protection Agency (EPA) 201 Facilities Plan grant conditions, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l).

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Pursuant to N.J.A.C. 7:15-4.4(e), ESAs are any contiguous area, based on a composite Geographic Information System (GIS) analysis, of 25 acres or larger consisting of any of the following features alone or in combination: areas mapped as threatened and endangered wildlife species habitat as identified on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife as Rank 3, 4, or 5 (Landscape Maps); areas mapped as Natural Heritage Priority Sites; Category One waters designated in the Department's Surface Water Quality Standard, N.J.A.C. 7:9B, based on the Department's maps of such waters and their corresponding 300-foot riparian zones based upon the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13; and wetlands as mapped pursuant to N.J.S.A. 13:19A-1 and 13:9B-25.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as threatened and endangered wildlife habitat identified pursuant to N.J.A.C. 7:15-4.4(e)1. Areas identified by the Landscape Maps as being suitable habitat for threatened and endangered wildlife species Ranks 3 (State threatened), Rank 4 (State endangered), and Rank 5 (Federal endangered or threatened) are not to be included in proposed SSAs except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped pursuant to N.J.A.C. 7:15-4.4(e)1 as threatened or endangered wildlife species habitat, the Department utilized its Landscape Maps, version 3.1 at <http://www.nj.gov/dep/gis/listall.html>. Review of the proposed project site determined that a portion of the site is identified as Rank 4 Bald Eagle habitat.

The proposed project received a Flood Hazard Area and Riparian Verification Approval from the Department in 2015 and a Freshwater Wetlands Transition Area Waiver Averaging Plan Approval in 2011. A review of the proposed project by the Department in September 2016 found that the riparian buffers and wetland buffers required by these approvals to be adequately protective of the Bald Eagle habitat and that a Habitat Suitability Determination (HSD), submitted in accordance with the provisions at N.J.A.C. 7:15-4.6, would not be required. These buffer areas have been protected by the applicant through conservation easements that have been recorded by the Monmouth County Clerk as per the requirements of the above referenced approvals and in accordance with N.J.A.C. 7:15-4.4(j).

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Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as Natural Heritage Priority sites identified pursuant to N.J.A.C. 7:15-4.4(e)2. Areas mapped as Natural Heritage Priority Sites are not to be included in proposed SSAs, except as provided at N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as Natural Heritage Priority Sites, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There are no Natural Heritage Priority Sites located on the subject site.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as Category One waters and their corresponding 300 foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3. Areas identified as Category One waters and their corresponding 300 foot riparian zones are not to be included in SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of Category One waters and their corresponding 300 foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There are no Category One waters or their corresponding 300 foot riparian zones located on the subject site.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4. Areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html> and identified mapped wetlands on the subject site. Pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided Letter of Interpretation/Line Verification File No. 1331-06-0027.1 FWW060001 (LOI), confirming the extent of wetlands and transition areas on the site. Freshwater Wetlands Transition Area Waiver Averaging Plan Approval File No. 1331-06-0027.1 FWW110001 and Flood Hazard Area and Riparian Verification Approval File No. 1331-06-0027.1 FHA150001 have been issued by the Department, confirming that the extent of wetlands and transition areas are accurately delineated on the proposed project site and confirming that the proposed project meets the requirements

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to disturb regulated areas pursuant to N.J.A.C. 7:7A-4.3, 5.11, 6.2, and 13.1 and N.J.A.C. 7:13-5. There are no wetlands within the designated SSA of the subject site.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as coastal planning areas pursuant to N.J.A.C. 7:15-4.4(f). To evaluate the existence of any coastal planning areas identified in N.J.A.C. 7:15-4.4(f), the Department evaluated the presence of coastal planning areas identified on the CAFRA Planning Map available at <http://www.nj.gov/dep/gis/listall.html>. Areas mapped as Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas are not to be included in SSA, except as provided under N.J.A.C. 7:15-4.4(f)1 and 2 to abate an existing imminent public health and safety issue, to accommodate infill development or as necessary to create a linear boundary that coincides with recognizable geographic, political, or environmental features depicted in the Department's GIS coverage. To evaluate the existence of any coastal planning areas identified in N.J.A.C. 7:15-4.4(f), the Department evaluated the presence of coastal planning areas identified on the CAFRA Planning Map available at <http://www.nj.gov/dep/gis/install.html>. The subject site is not located within any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as areas subject to 201 Facilities Plan grant conditions pursuant to N.J.A.C. 7:15-4.4(g). Areas with Federal 201 grant limitations that prohibit the extension of sewers into specified ESAs are excluded from the SSA, unless documentation can be provided demonstrating that a mapping revision or waiver has been obtained from EPA, as provided under N.J.A.C. 7:15-4.4(g). To evaluate the existence of 201 Facilities Plan grant conditions that prohibit the expansion of SSA into ESAs the Department reviewed the EPA list of New Jersey Counties with ESA Grant Conditions at <https://www3.epa.gov/region02/water/sewer.html>. There are no 201 Facilities Plan grant conditions that provide for the restriction of SSA into ESAs.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department shall consider in the delineation of areas eligible for sewer service, the land uses allowed in zoning ordinances and future land uses shown in municipal or

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county master plans. The proposed project is consistent with the local zoning ordinance, and the local and county master plan.

Pursuant to N.J.A.C. 7:15-3.5(j)2, for projects that propose to add 100 or more acres to the SSA, or where the additional SSA would generate 20,000 gallons per day (gpd) or more of wastewater, the applicant must prepare a modification to the wastewater treatment capacity analysis to include the proposed project or activity, pursuant to N.J.A.C. 7:15-4.5(b). The proposed project plans to add 1.82 acres to the SSA, and the projected wastewater flow for the proposed project, anticipated to be received by the Township of Middletown Sewerage Authority, is 300 gpd based on flow calculations in accordance with N.J.A.C. 7:14A-23.3. Therefore, no wastewater treatment capacity analysis was required for this project.

N.J.A.C. 7:15-3.5(g)6 requires the applicant to request a written statement of consent from all identified governmental entities, sewerage agencies, and BPU related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, approval of the amendment proposal. Accordingly, the Department instructed the applicant to request written statements of consent from the Township of Middletown Sewerage Authority (TOMSA), the Middletown Township Council, and the Monmouth County Board of Chosen Freeholders. On January 17, 2017, TOMSA adopted Resolution 7/17 in support of the proposed amendment. On January 17, 2017, the Middletown Township Council adopted Resolution 17-81 in support of the proposed amendment. On February 14, 2017, the Monmouth County Board of Chosen Freeholders adopted resolution 2017-0132 in support of the proposed amendment.

Sewer service is not guaranteed by this amendment. This proposed amendment represents only one part of the permit process and other issues may need to be addressed. These issues may include, but are not limited to, obtaining all permits for the proposed projects; meeting all regulatory requirements for needed permits, 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 law or to any contractual arrangements between municipalities, authorities and/or private parties. Inclusion in the sewer service area as a result of the approval of this amendment does not eliminate the need to obtain

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all necessary permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.

SIGNED

Colleen Kokas, Director
Office of WRM Coordination
Department of Environmental Protection
April 13, 2017

Date