

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE OCEAN COUNTY WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that on **AUG 10 2007**, 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 Ocean County Water Quality Management Plan was adopted by the Department of Environmental Protection (Department). The amendment is part of an overall May 12, 2004 settlement of litigation between the owners Heritage Minerals, Inc. and Hovsons, the Department, and the Pinelands Commission concerning the 7,175.1 acre Heritage Minerals parcel in Manchester Township, and an accompanying separate 362.42 acre parcel in Berkeley Township (the "Settlement"). The entirety of both parcels will be subjected to a conservation restriction in favor of the Department, except for the 728.3 acre previously disturbed area for which this amendment to the Water Quality Management Plan was proposed to serve an age-restricted residential development.

The parcel in Manchester Township is identified as Lots 1, 2, 4, 6, 11, 37, 40 and 55 of Block 75.01; Lots 24 and 27 of Block 70; Lot 1 of Block 70.55; Lots 1 and 20 of Block 73; Lot 6 of Block 73.09; Lot 16 of Block 73.10; Lot 16 of Block 73.28; Lot 5 of Block 74; Lots 1 and 23 of Block 77 and Lot 1 of Block 77.01 and adjoining Lots 14.06, 15 and 16 of Block 4.304 in Berkeley Township. In addition, the Settlement includes the separate 362.42 acre Berkeley Township parcel, being Lots 2 and 18 of Block 18; and Lot 2.01 of Block 18.02 in that municipality. The two parcels are depicted on Exhibits 1 and 6 of the Settlement. Prior to the execution of the Settlement, the Department and the Pinelands Commission held a public hearing in December 2003 at the Manchester Township High School. The terms of the Settlement have not changed, except that as a result of Heritage Minerals' subsequent November 18, 2005 settlement with Manchester Township, the development's density has been reduced from 2,450 to 2,205 dwelling units, and affordable housing obligations will be

addressed off-site. As part of the municipal settlement with the property owner, the municipality agreed to support the Water Quality Management Plan amendment.

This amendment modifies the Ocean County Utilities Authority (OCUA) Central Planning Area Wastewater Management Plan. This amendment, submitted on behalf of Hovsons, Inc., allows for the expansion of the sewer service area of the OCUA Central Wastewater Pollution Control Facility (CWPCF) to serve the proposed Heritage Minerals residential development. The proposed project is located on Block 75.01, Lot 1, within Manchester Township, Ocean County, and is comprised of a total of 995.4 acres including the protected acreage for the lakes and lake buffer areas. The development area itself is 728.3 acres within the 7,175.1 acre parcel in Manchester Township. The Heritage Minerals property is bordered to the west by the Conrail Railroad and to the north by Colonial Drive. Currently, 73.5 acres of the proposed development area is already located within OCUA CWPCF's sewer service area. This amendment expands OCUA CWPCF's sewer service area to add an additional 654.8 adjoining acres for the proposed Heritage Minerals project within the previously disturbed area of the parcel. The WQMP amendment also removes from the sewer service area approximately 266.8 acres of previously undisturbed lands which will become part of the preserved environmentally sensitive lands subject to the conservation restriction. This WQMP amendment makes the sewer service areas and non-sewer service areas consistent with the State Development and Redevelopment Plan for the property. The project proposal includes the construction of 331 three-bedroom single family homes, 1,874 two-bedroom single family homes, a 20,000 square foot commercial building, and a clubhouse for 2,205 members. The projected wastewater flow from the proposed development, calculated in accordance with N.J.A.C. 7:14A-23.3, is 600,125 gallons per day (gpd).

This amendment has been reviewed in accordance with Executive Order 109 (EO 109) (2000) and N.J.A.C. 7:15-5.18. This evaluation determined that, while the threshold for EO 109 was triggered, the pertinent alternative and environmental impact analysis were satisfied through the Settlement. The Settlement specifies that the applicants "...shall submit an application which provides that all stormwater discharge from the Project shall be subject to best management practices and, other than stormwater from direct precipitation on the banks of the lakes, shall be retained on-site with no discharge to lakes, streams, and wetlands." Riparian buffers will be satisfied through the applicant's Coastal Area Facility Review Act (CAFRA) permit application,

which will incorporate all other applicable environmental land use permit applications administered by the Department's Land Use Regulation Program. This amendment also includes conservation restrictions and habitat enhancement measures as specified in the Settlement. The Settlement restricts development to the previously disturbed portions of the parcel while permanently preserving the most sensitive plant and wildlife habitats. Construction of the proposed development shall be conditioned upon the satisfactory resolution of all outstanding requirements as specified in the Settlement including, but not limited to, all needed remediation of the development area and full compliance with the Department's land use regulations.

This amendment proposal was noticed in the New Jersey Register on December 18, 2006 at 38 N.J.R. 5410(a) and no comments were received during the comment period.


At this time, the Department is not verifying that sufficient water exists under Manchester Township's present water allocation and is not committing the Department to approving an increase in allocation to meet the water supply needs of this development. Such decisions will be made by the Division of Water Supply under a future application for a safe drinking water permit or water allocation permit in accordance with the rules governing those approvals. In the event that sufficient water supply for this development is not available, it will be necessary to either reduce the size and scope of the development to reduce the water demand or to investigate alternate water supplies, including, but not limited to, beneficial reuse of reclaimed water, to meet the non-potable demands of this development.

The proposed Heritage Minerals residential development triggers a Wastewater Management Plan (WMP) in accordance with N.J.A.C. 7:15-5.1(b). In accordance with N.J.A.C. 7:15-5.23(a), an updated WMP must be submitted at least once every six years from the date of the previous submission. Since the OCUA Central Planning Area WMP was submitted in June, 1989 it is now out of compliance with the regulations and the Ocean County Department of Planning is required to submit a complete updated WMP that complies with the Water Quality Management Planning Rules at N.J.A.C. 7:15 and the required Environmental Assessment Analyses under EO 109 for review and adoption by the Department. The Department considers the Ocean County Planning Board's July 13, 2007 letter which states that "Please be advised

that an update to the Central Planning Area Wastewater Management Plan is being finalized at this time and will be submitted to your office within one month." to be a binding commitment to submit a credible WMP to the Department by August 13, 2007.

This WQMP amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. Additional issues which may need to be addressed 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 (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

for


Lawrence J. Baier, Director
Division of Watershed Management
Department of Environmental Protection

8/10/07

Date