

**ENVIRONMENTAL PROTECTION
OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION**

Adopted Amendment to the Ocean County Water Quality Management Plan

Public Notice

MAR 19 2015

Take notice that on _____ 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), the Department of Environmental Protection (Department) adopted an amendment to the Ocean County WQMP. This amendment, entitled “Cedar Swamp Development” submitted on behalf of Cedar Swamp Development LLC, expands the Ocean County Utilities Authority (OCUA) sewer service area (SSA) by 5.07 acres. The proposed project site is located in Jackson Township, Ocean County on Block 4201, Lot 3 on the eastern side of the parcel (Property).

This amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and 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.

As outlined at N.J.A.C. 7:15-5.24(a), sewer service may only be provided to areas that are not identified as environmentally sensitive areas (ESAs), Coastal Fringe, Coastal Rural and Coastal Environmentally Sensitive Planning Areas, beaches, coastal high hazard areas, and dunes.

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. Review of the proposed project site has determined that there are no ESA’s identified on the Property.

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine 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 proposed SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (h), or unless a site has undergone a site specific Habitat Suitability Determination prepared in accordance with N.J.A.C. 7:15-5.26 that found the site to be not suitable habitat, or pursuant with N.J.A.C. 7:15-5.24(g)2, the Department determined the ESA is not critical to a population of endangered or threatened species the loss of which would decrease the likelihood of the survival or recovery of the identified species. Review of the site information has determined that no threatened or endangered species habitat exists on the Property.

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 proposed SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the site information has determined that no Natural Heritage Priority Sites exist on the Property.

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 proposed 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, a Letter of Interpretation, L.O.I. #1511-06-0019.1 FWW060001, issued by the Department's Division of Land Use Regulation (DLUR) on March 8, 2007 was submitted to the Department, confirming the presence and boundaries of exceptional and intermediate resource value wetlands, requiring 150 and 50 foot buffers, respectively. These wetlands areas are located on the western side of Lot 3. In compliance with the L.O.I., the proposed SSA excludes the mapped wetlands. This L.O.I. remains valid under the Permit Extension Act at N.J.A.C. 7:1B until June 30, 2016.

Pursuant to N.J.A.C. 7:15-5.24(c), certain coastal planning areas, not applicable here, must also be excluded from SSA. Specifically, there are no Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Areas on the Property.

In accordance with N.J.A.C. 7:15-5.24(d)1, areas with Federal 201 grant limitations that prohibit the extension of sewers are excluded from the adopted SSA either where local mapped information exists delineating these areas, or through a narrative description where mapping does not exist, except as provided under N.J.A.C. 7:15-5.24(f)1. Where a narrative approach has been used, it is noted as text

on the adopted FWSA map. 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 these amendments and compliance is required.

In addition to the environmentally sensitive areas with Federal 201 grant limitations that prohibit the extension of sewers identified under N.J.A.C. 7:15-5.24(d)1, 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 Property.

In accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of the existing zoning for the above mentioned lots has been evaluated. The Department has determined that the OCUA Northern Wastewater Pollution Control Facility has adequate available capacity to treat the proposed wastewater flow from the lots should they be developed in accordance with existing zoning regulations. Currently the OCUA Northern WPCF (NJ0028142) is permitted to discharge up to 32 Million Gallons per day (MGD) of treated wastewater to the Atlantic Ocean. 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 OCUA Central WPCF was calculated to be 22.18 MGD. The addition of the wastewater flow from any proposed development on the site would not cause the wastewater generation potential of the expanded SSA to exceed the permitted capacity of the OCUA Central WPCF.

In accordance with N.J.A.C. 7:15-5.25(h)3 the water supply need for the proposed project has been evaluated. Water supply for any proposed development on the property will be provided by the Jackson Township Municipal Utilities Authority which is a public water system which withdraws water from the Potomac-Raritan-Magothy aquifer. It is currently permitted under PWSID No. 1511001 to allocate 312.350 million gallons per month (MGM) and has a water supply surplus of 91.540 MGM. Therefore sufficient water supply is available to serve any proposed development on the site within the existing water allocation permit.

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 county and local governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development. Jackson Township has an adopted stormwater management ordinance (No. 08-06) which complies with the performance standards of the Stormwater Management Rules at N.J.A.C. 7:8.

In accordance with N.J.A.C. 5.25(h)5, riparian zones are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-5.25(h)i –vii. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated 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. Review of the site information has determined that no riparian zones exist on the Property.

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 greater than 20 percent. There are no steep slopes on the Property.

This amendment proposal was noticed in the Department Bulletin on September 17, 2014, Volume 38 Issue 18, pages 7-9, and no comments were received during the comment period.

Additional issues which may need to be addressed for any new or expanded wastewater treatment facility proposal include, but are not limited to, compliance with stormwater regulations, antidegradation, effluent limitations, water quality analysis, and exact locations and designs of future treatment works. Additionally, sewer service to any particular project is subject to contractual allocations between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.

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.

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Colleen Kokas, Director
Office of WRM Coordination

3-19-15

Date