

**ENVIRONMENTAL PROTECTION**

**OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION**

**Adopted Amendment to the Ocean County Water Quality Management Plan**

**Public Notice**

**SEP - 9 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), an amendment to the Ocean County WQMP was adopted by the Department of Environmental Protection (Department). This amendment proposal, entitled "Congregate Care Center", submitted on behalf of Hovcare of \_\_\_\_\_ Brick, expands the Ocean County Utilities Authority sewer service area (SSA) by 6.82 acres. The proposed project site is located in Lakewood Township, Ocean County on Block 1587/Lot 1. 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 proposed 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. These areas are not included in the proposed SSA.

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 proposed project site has determined that a portion was identified as Rank 3 habitat for the following species in Landscape Project version 3.1: Snowy Egret, Glossy Ibis, Tri Colored Heron, Black Crowned Night Heron, Little Blue Heron, and Great Blue Heron.

On April 1, 2013 the Department received a Habitat Suitability Determination application (HSD), prepared by Trident Environmental Consultants. The HSD application was submitted in accordance with the provisions at N.J.A.C. 7:15-5.26. This section of the Water Quality Management Planning Rules describes the information that must be submitted by an applicant in order for the Department to re-evaluate the finding that a site is constrained for threatened and endangered species habitat. The Department concurred with the application's finding that the site was too fragmented and disturbed to provide suitable breeding habitat for the species of concern and that forging opportunities for all species were non-existent due to the disturbed nature of the onsite stream corridor and overall lack of suitable prey species.

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 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 waterways and their tributaries are not to be included in SSA's, except as provided under N.J.A.C. 7:15-5.24(e) – (h). The Department has determined there are no special water resource protection areas along Category One waters 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 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, Letter of Interpretation: Line Verification File # 1514-05-0002.1, FWW050001 re-issued by the Department on June 29, 2005 was submitted to the Department, confirming that the extent of wetlands and transition area are accurately delineated on the proposed project activity 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 at N.J.A.C 7:15-5.24(b)4, have been satisfied by the exclusion of both the mapped wetlands and associated 50-foot buffer areas from the proposed SSA.

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 project site.

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. 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.

In accordance with N.J.A.C. 7:15-5.24(d)1, there are other special restricted areas, which must also be excluded from SSA pursuant to N.J.A.C. 7:15-5.24(d)2 through 4. None of those special restricted areas are applicable here. 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 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 lot should it 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 Northern WPCF was calculated to be 22.67 MGD.

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 Lakewood Township Municipal Utilities Authority which withdraws water from the Englishtown, Raritan, and Cohansey aquifers. The water allocation permit number is WAP100002. The existing water allocation permit will not require modification to serve the proposed project. It is currently permitted under PWSID No. 1514002 to allocate 200 million gallons per month (MGM) and has a water supply surplus of 21.307 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 county and local governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development. Lakewood Township has an adopted stormwater management ordinance (No.2006-22) 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. A riparian zone has been identified on the proposed project site as a tributary to the Long Causeway Branch (FW2-NT/SE1) and runs through the middle of the property. The required buffer width for Long Causeway Branch is 50 feet. In accordance with N.J.A.C. 7:15-5.25(h)5i, the Riparian Corridor Analysis has been satisfied by applying a 50 foot buffer to the applicable portions of the Long Causeway Branch tributary, and the exclusion of the buffer area from the proposed 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 greater than 20 percent. There are no steep slopes on the subject site.

This amendment proposal was noticed in the DEP bulletin on June 17, 2015 at Volume 39, Issue 12, 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. 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. 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.



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Colleen Kokas, Director  
Office of Water Resources Management Coordination  
Department of Environmental Protection



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Date