

ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

Adopted Amendment to the Ocean County Water Quality Management Plan

Public Notice

Take notice that on **DEC 21 2015**, 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, entitled "Route 70 Townhouses", submitted on behalf of 3085 Route 571 Manchester Associates LLC, expands the Ocean County Utilities Authority (OCUA) Central Water Pollution Control Facility (WPCF) sewer service area (SSA) by 3.1 acres to allow for the construction of 38 three-bedroom townhouse units and 2 two-bedroom townhouse units.

The amendment site is located in Manchester Township, Ocean County on a portion of Block 52/Lot 2 near the intersection of Ridgeway Road (Route 571) and State Highway 70. The entire proposed development is for 82 units, however, 42 of these units are in the presently adopted SSA in adjacent lots and are not the subject of this amendment. An application for a Coastal Area Facility Review Act (CAFRA) individual permit, No. 1518-06-0001.2 CAF150001, is currently under review by the Department's Division of Land Use Regulation (DLUR).

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.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas (ESA's) have been assessed to determine what areas of the proposed project site are appropriate for inclusion in the SSA. 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 ESA's are not included in the SSA except as noted below.

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 proposed SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the project site has determined that a portion was identified as Rank 4 Timber Rattlesnake habitat in Landscape Project version 3.1.

On October 25, 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's habitat was not of great significance in maintaining timber rattlesnake populations in the area.

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 waters 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 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 proposed SSAs, except as provided under N.J.A.C. 7:15-5.24(e) through (h). In accordance with N.J.A.C. 7:15-5.24(e)2, a Letter of Interpretation (LOI): Line Verification, file No. 1518-06-0001.1 FWW130001, issued by DLUR on April 17, 2014 was provided, confirming the extent of wetlands and transition areas on the site. An application for a Transition Area Waiver Averaging Plan, No. 1518-06-0001.1 FWW150001 FWTW1 is currently under review by DLUR. As per the above referenced Flood Hazard & Riparian Zone Verification Map, a portion of the transition area and the area proposed for the transition area waiver averaging plan are located in the presently adopted sewer service area that is not the subject of this amendment. The provisions of 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 transition area from the 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.

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 OCUA Central WPCF (NJ0029408) 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 20.82 MGD. The projected wastewater flow for the proposed new development, calculated in accordance with N.J.A.C. 7:14A-23.3 is 11,850 gallons per day (gpd).

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 the proposed development will be provided by the Manchester Township Water Utility (PWSID No. 1518005) which is a public water system which withdraws water from the Kirkwood-Cohansey and the Upper Potomac Raritan Magothy aquifers. The Manchester Township Water Utility has diversion privileges set by Water Allocation Permit 5043 for a total supply of 145 Million Gallons per Month (MGM) and currently has a water supply surplus of 19.120 MGM. The projected water demand of the project, calculated in accordance with N.J.A.C. 7:15-5.25(f)1i, is 0.773 MGM (not 0.016 MGM as incorrectly stated in the September 15, 2015 preliminary notice

that was published in the October 7, 2015 DEP Bulletin); therefore sufficient water supply is currently available to serve the proposed development 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. 7:8-4) 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. Manchester Township has an adopted stormwater management ordinance (No. 08-012, 013); see N.J.A.C. 7:8-4. Manchester 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 proposed SSAs, except as provided under N.J.A.C. 7:15-5.25(h)i-vii. A riparian zone of the Ridgeway Branch (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 required buffer width for this section of the Ridgeway Branch is 150 feet due to the presence of acid producing soils. A Flood Hazard Area Verification Approval (No. 1518-06-0001.2 FHA140001) was obtained from the DLUR on December 15, 2014, and the Flood Hazard & Riparian Zone Verification Map that is part of the above mentioned approval depicts 150 foot riparian buffers. 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 150 foot buffer 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. There are no steep slopes on the subject site.

This amendment proposal was noticed in the DEP Bulletin on October 7, 2015 at Volume 39, Issue 19, pages 9-12 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



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12-21-15

Date