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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Ocean County Water Quality Management Plan

Public Notice

Take notice that on **October 15, 2020**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment to the Ocean County Water Quality Management (WQM) Plan. This amendment, identified as “Sea Pirate Campground” (Program Interest No. 435448, Activity No. AMD190004), expands the sewer service area (SSA) of the Ocean County Utilities Authority (OCUA) by 1.422 acres to serve a proposed expansion of an existing campground on Block 173, Lot 3.02 (portion), Little Egg Harbor Township, Ocean County. The project consists of 40 proposed campsites that would generate a projected wastewater flow of 4,000 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, to be received by the Ocean County Utilities Authority Southern Water Pollution Control Facility (NJPDES Permit #NJ0026018). The existing campsites within the Sea Pirate Campground are located in the presently adopted SSA and are not the subject of this amendment. Preliminary notice was

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published in the New Jersey Register on February 3, 2020 at 52 N.J.R. 165(a). No comments were received during the comment period.

This notice represents the Department's determination that the amendment is compliant with the applicable regulatory criteria at N.J.A.C. 7:15 as described below.

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from the Little Egg Harbor Township Municipal Utilities Authority, Little Egg Harbor Township, OCUA, and the Ocean County Board of Chosen Freeholders. The Little Egg Harbor Township Municipal Utilities Authority adopted Resolution 2020-13 on May 12, 2020, consenting to the proposed amendment. Little Egg Harbor Township adopted Resolution 2020-116 on June 11, 2020, consenting to the proposed amendment. The OCUA stated in a letter dated June 26, 2020 that it would not take a formal position on the proposed amendment. The Ocean County Board of Chosen Freeholders adopted Resolution 2020000871 on July 15, 2020, approving the proposed amendment.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to alterations to the eligible sewer service area needed to address a specific project or activity. N.J.A.C. 7:15-3.5(j)2 requires that site specific amendments proposing to add 100 or more acres or generating 20,000 gpd or more of wastewater flow must update the wastewater treatment capacity analysis prepared in accordance with N.J.A.C. 7:15-4.5(b) to include the proposed project or activity. The proposed project involves less than 100 acres and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment plant capacity analysis is not required.

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Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as sewer service areas, except as otherwise provided at N.J.A.C. 7:15-4.4(i), (j), (k), and (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of any of the following features alone or in combination: endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, 300 foot riparian zones of Category One (C1) waters and their tributaries, or wetlands; coastal planning areas identified under N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions under N.J.A.C. 7:15-4.4(g). The Department conducted an evaluation of the project site using a GIS shapefile provided by the applicant compared to the Department's GIS data layers available at <http://www.nj.gov/dep/gis/listall.html> and/or other information as noted below, to determine the presence of any such areas in accordance with N.J.A.C. 7:15-4.4(e), (f), and (g) and made the following findings:

- The Department determined that the expanded SSA contains areas mapped as endangered and threatened wildlife species habitat Rank 3, 4 or 5 on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife based on the "Landscape Project Data", Version 3.3, GIS data layers in accordance with N.J.A.C. 7:15-4.4(e)1. The Department's review determined that the site is mapped as Rank 3 habitat for Bald Eagle. However, based on a Habitat Suitability Determination (HSD) prepared pursuant to N.J.A.C. 7:15-4.6, the Department determined that the proposed project site does not offer documented and/or suitable habitat for foraging or wintering Bald Eagles, primarily due to the location of the campground relative to existing Bald Eagle foraging and wintering areas.

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- The Department determined that the expanded SSA does not contain any areas mapped as Natural Heritage Priority Sites based on the “Natural Heritage Priority Sites” GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)2.
- The Department determined that the expanded SSA does not contain any C1 waters or 300 foot riparian zones along any C1 waters or upstream tributaries within the same HUC 14 watershed of any C1 waters based on the “Surface Water Quality Standards” GIS data layer in accordance with and N.J.A.C. 7:13-4.1(c)1 and N.J.A.C. 7:15-4.4(e)3.
- The Department determined that the expanded SSA does not contain any wetlands based on the “Wetlands 2012” GIS data layer and confirmed by Freshwater Wetlands Letter of Interpretation (LOI): Line Verification File #1516-17-0007.1 FWW170001.
- The Department determined that the expanded SSA does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the “CAFRA (polygon)” GIS layer and the “State Plan Data” GIS layer, in accordance with N.J.A.C. 7:15-4.4(f).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project site based on the USEPA list of New Jersey Counties with ESA Grant Conditions at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2> in accordance with N.J.A.C. 7:15-4.4(g).

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department considered the land uses allowed in adopted zoning ordinances, future land uses shown in adopted municipal or county master plans, and

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other local land use objectives. The Little Egg Harbor Township Zoning Board of Adjustment issued Resolution 97-13 on May 14, 1997 granting Preliminary and Final Site Plan Approval. The Ocean County Planning Board issued a letter on October 16, 2019 stating that the proposed project is consistent with the Ocean County Master Plan.

Sewer service is not guaranteed by adoption of this amendment since it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA as a result of the adoption of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.

10/15/20

SIGNED

Date

Kimberly Cenno, Bureau Chief
Bureau of Environmental Analysis, Restoration and Standards
Division of Water Monitoring and Standards