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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LAND MANAGEMENT**

### **DIVISION OF WATERSHED PROTECTION AND RESTORATION**

#### **Proposed Amendment to the Ocean County Water Quality Management Plan**

**Take notice** that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Ocean County Water Quality Management (WQM) Plan in accordance with the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15. The proposed amendment, identified as “Jackson Parke” (Program Interest No. 435448, Activity No. AMD230008) would expand the Ocean County Utilities Authority Northern Water Pollution Control Facility (OCUA Northern WPCF) sewer service area (SSA) by 16.032 acres to serve a proposed residential development on Block 10401 Lot 5.01 (portion); and Block 17802, Lot 57.01 (portion), in Jackson Township, Ocean County. The proposed project consists of 96 two-bedroom units, 43 three-bedroom units, a clubhouse, and a pool. The entire proposed project also includes 398 additional two-bedroom units, 563 additional three-bedroom units, and a community center; however, all of these buildings are located within the presently adopted SSA and are not the subject of this amendment. The proposed amendment portion of the project would generate a projected wastewater flow of 40,080 gallons per day (gpd) based on flow calculated in

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accordance with N.J.A.C. 7:14A-23.3 to be received by the OCUA Northern WPCF (New Jersey Pollutant Discharge Elimination System (NJPDES) Permit #NJ0028142).

This notice represents the Department's determination that the proposed 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. 7:15-3.3(b), site specific amendments are limited to proposed alterations to the eligible SSA 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 shall include a proposed modification to 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 but would generate a projected wastewater flow of 20,000 gpd or more and, thus, is subject to the wastewater capacity analysis modification requirement. The purpose of the modification is to update the existing wastewater treatment capacity analysis in order to determine whether the OCUA Northern WPCF has the capacity to service the project in addition to its currently approved sewer service area. An updated analysis was submitted for the OCUA Northern WPCF. The analysis found that there was an additional 0.285 million gallons per day (mgd) of projected wastewater from approved and currently published for public comment amendments (including this proposal) to the Ocean County WMP since the capacity analysis contained in the adopted WMP. This additional wastewater flow results in a projected total wastewater flow of 30.454 mgd from the OCUA

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Northern WPCF sewers service area. The OCUA Northern WPCF is currently permitted to discharge up to 32 mgd under NJPDES Permit No. NJ0028142. At this time OCUA has capacity to accommodate the additional flow from the proposed project; however, a potential future wastewater treatment capacity deficit has already been identified for the OCUA Northern WPCF, and the addition of this project into the sewer service area will increase that future deficit. OCUA has finalized the planning study phase for an expansion from 32 mgd to 36 mgd and will continue to monitor and evaluate when conditions warrant moving forward with the design engineering phase.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSA, except as otherwise provided at N.J.A.C. 7:15-4.4(i), (j), (k), and (l): environmentally sensitive areas (ESAs) identified pursuant to 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, riparian zones of Category One (C1) waters and their upstream tributaries, or wetlands; coastal planning areas identified at N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions pursuant to 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 <https://gisdata-njdep.opendata.arcgis.com> and/or other information as noted below, to determine the presence

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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 proposed SSA contains areas mapped as endangered or 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 4 habitat for Barred Owl, Northern Pine Snake, and Red Shouldered Hawk. Pursuant to N.J.A.C. 7:15-4.4(j)4, the applicant submitted a Habitat Suitability Discussion document to rebut the presumption that the proposed project site is constrained for endangered and threatened species habitat. A review by the Department determined that due to prior approvals the applicant received (which included habitat evaluations for a Freshwater Wetlands Letter of Interpretation: Line Verification (LOI) and a Special Activity Transition Area Waiver Individual Permit), the onset of site preparation activities, and the small amount of affected acreage, that the proposed amendment areas no longer provide suitable habitat for the above referenced endangered and threatened species, and that a Habitat Suitability Determination (HSD), submitted in accordance with the provisions at N.J.A.C. 7:15-4.6, would not be required.

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- The Department determined that the proposed 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 on the project site there is a C1 water and/or 300-foot riparian zone along a C1 water or upstream tributary within the same HUC-14 watershed of a C1 water based on the “Surface Water Quality Standards” GIS data layer in accordance with N.J.A.C. 7:13-4.1(c)1 and N.J.A.C. 7:15-4.4(e)3. Cedar Branch and Pole Brook, tributaries of the Toms River (FW2-NT(C1)) are located on the property. However, the proposed SSA does not contain any C1 waters or corresponding riparian zone.
- The Department determined that there are wetlands located on the project site based on the “Wetlands 2012” GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4; however, pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File # File No. 1511-16-0010.1 FWW160002), confirming that there are no wetlands within the proposed SSA.
- The Department determined that the proposed SSA does not contain any areas mapped as Fringe Planning Areas, Rural Planning Areas, or Environmentally Sensitive Planning Areas within the Coastal Area Facility Review Act (CAFRA) zone 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).

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- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project based on the USEPA list of New Jersey Grantees 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 and future land uses shown in adopted municipal or county master plans and other local land use objectives. The Jackson Township Planning Board adopted Resolution 2020-06 granting Preliminary and Final Major Subdivision and Site Plan and Conditional Use Approval for the northern section on May 18, 2023. The Jackson Township Planning Board adopted Resolution 2021-12 granting Preliminary and Final Major Subdivision and Site Plan and Approval for the southern section on March 22, 2021, and memorialized on June 7, 2021. The Ocean County Department of Planning, in a January 3, 2024, email stated that they would not be issuing a statement of consistency of the proposed project with the Ocean County Master Plan.

This notice is to inform the public that a plan amendment has been proposed for the Ocean County WQM Plan. All information related to this plan and the proposed amendment is located at:

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Ocean County Department of Planning

129 Hooper Avenue

Toms River, New Jersey 08754

AND

New Jersey Department of Environmental Protection

Division of Watershed Protection and Restoration

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Water Quality Management Planning Program

PO Box 420, Mail Code 501-02A

501 East State Street

Trenton, New Jersey 08625-0420

The Department's file is available for inspection between 9:00 A.M. and 4:00 P.M., Monday through Friday, upon request. An appointment to inspect the file must be arranged by calling the Bureau of NJPDES Stormwater Permitting and Water Quality Management at (609) 633-7021.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above or at the email: [wqmp.publiccomments@dep.nj.gov](mailto:wqmp.publiccomments@dep.nj.gov) and to the County at the following address:

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Mr. Anthony Agliata

Ocean County Department of Planning

P.O. Box 2191

Toms River, New Jersey 08754-2191

Comments should reference Program Interest No. 435448, Activity No. AMD230008 and must be submitted within 30 days of the date of this public notice.

Interested persons may request in writing that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435448, Activity No. AMD230008 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined at N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future issue of the New Jersey Register and the comment period will be extended to 15 days after the public hearing. All comments submitted prior to the close of the comment period shall be considered by the County and the Department before making a final decision on the proposed amendment.

Sewer service is not guaranteed should this amendment be adopted since it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the



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SSA as a result of the approval 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.

7/11/2024

Date



Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Division of Watershed Protection and Restoration

NJ Department of Environmental Protection