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OCEAN COUNTY PLANNING BOARD

P O Box 2191
Toms River, New Jersey 08754-2191
Telephone (732) 929-2054
Fax (732) 244-8396

ANTHONY M. AGLIATA
PLANNING DIRECTOR

JOHN C. SAHRADNIK
COUNSEL

ROBIN L. FLORIO
SECRETARY

June 25, 2019

Mayor Paul J. Kennedy
Ocean Township
801 Ocean Gate Avenue
Ocean Gate, NJ 08740

Re: Program Interest No. 435448, Activity No. AMD170008
Proposed Amendment to the Ocean County Water Quality Management (WQM) Plan and Ocean County Wastewater Management Plan (WMP) for Additional Nitrate Dilution Analysis, Strategies to Address Potential Capacity Deficiencies, and Septic Maintenance Program Plan WMP Components

Dear Mayor Kennedy:

On April 15, 2019, the New Jersey Department of Environmental Protection (DEP) approved an application for the above referenced amendment to the Ocean County WQM Plan. The WQMP rules at N.J.A.C. 7:15-3.5(g)6 require an amendment applicant to request a written statement of consent from all identified government entities, sewerage agencies, and BPU related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, approval of the amendment proposal. Accordingly, and as per DEP guidance dated June 18, 2019, the purpose of this letter is to request a written statement of consent from your organization in support of the above referenced proposed WQMP amendment, also attached to this letter. A statement of consent by a government unit shall be in the form of a resolution by that unit's governing body and is due within 60 days of your receipt of this letter. A "model" resolution is enclosed with this letter to provide an example of the language the DEP considers sufficient to express a position regarding a proposed amendment.

Should a governing body determine that it does not support the amendment proposal, it may submit a resolution to that effect, which shall specify, in writing, all reasons for objection to the amendment proposal. A copy of the resolution should be sent to this office as well as to the New Jersey Department of Environmental Protection, Division of Water Monitoring and Standards, Water Quality Management Planning, P.O. Box 420, Mail Code 401-04I, East State Street, 3rd Floor, Trenton, New Jersey 08625-0420.

Please be advised that if you do not submit the requested resolution, the DEP retains the option to adopt the proposed amendment without your resolution for consideration. Therefore, it is in your best interest to submit a resolution defining your position so that the DEP may fully consider the impacts to all affected and substantially interested entities in its decision regarding adoption of the amendment proposal.

If you have any questions on this matter please call me at (732) 929-2054.

Sincerely,

Steven J. Simone
Principal Planner

/sjs

Enclosures

cc: Anthony M. Agliata, Planning Director
Bruce S. Friedman, New Jersey Department of Environmental Protection

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SPECIAL ASSISTANCE/ACCOMMODATIONS UPON REQUEST.

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Proposed Amendment to the Ocean County Water Quality Management Plan

Public Notice

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 Plan (WQMP) and Ocean County Wastewater Management Plan (WMP) 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 (Program Interest No. 435448, Activity No. AMD170008), prepared by the Ocean County Department of Planning and submitted on behalf of the Ocean County Board of Chosen Freeholders, would amend the Ocean County WMP adopted on December 30, 2015 (see <https://www.nj.gov/dep/wqmp/docs/wqmp/ocean/20151230-ocean-county-wmp.pdf>) by adding three components: 1) a nitrate dilution analysis for HUC 11 02040301020 (Lakewood Township portion) and HUC11 02040301030 (Jackson Township), which was included (pages 6 and 39) but not adopted as part of the current WMP; 2) strategies to mitigate potential capacity deficiencies, which would be added to Volume 3 of the current WMP; and 3) a county-wide septic maintenance program plan, which would be added to Volume 4 of the current WMP. Adoption of these proposed WMP components will fulfill the requirements for submission of a complete Ocean County WMP in accordance with N.J.A.C. 7:15-4. No other changes to the Ocean County WMP are proposed at this time. This notice represents the Department's determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.5 and 4, as described below.

The nitrate dilution analyses for HUC 11 02040301020 (Lakewood Township portion) and HUC11 02040301030 (Jackson Township) were not adopted as part of the 2015 WMP because they showed that

these areas would exceed the 2 mg/L nitrate dilution target based on current zoning but the WMP did not also include "... appropriate remedial actions for specific locations in these HUCs 11s which are projected to discharge in excess of the assimilative capacity..." as was required under the rules in effect at that time. Such remedial action is no longer required. Instead, the current rules at N.J.A.C. 7:15-4.5(c)1v require that WMPs identify strategies for addressing any capacity deficits, including potential exceedance of the 2 mg/L nitrate dilution target for septic density. The Department has determined that the nitrate dilution analysis for these two HUC 11 watersheds (previously included as pages 6 and 39 of the current WMP) complies with N.J.A.C. 7:15-4.5(c)1 and proposes to adopt them along with the strategies to address these deficiencies explained below.

The proposed amendment would add a new component to the current WMP consisting of strategies to mitigate potential capacity deficiencies identified in the WMP, in accordance with N.J.A.C. 7:15-4.5(b)4. These strategies address the septic density capacity deficits for Lakewood and Jackson Townships, explained above, along with strategies to address other capacity deficits identified in the WMP.

The strategy for addressing the capacity deficit in Lakewood Township consists of two parts:

- 1) Lakewood Township should pursue future expansion of the sewer service area to include all existing residential development for areas outside the existing sewer service area and convey the wastewater generated from these areas to an appropriate wastewater treatment plant when capacity becomes available. The Township would be responsible for submitting a plan amendment application to the Department along with any required documentation, including but not limited to wetland delineations and habitat surveys, in accordance with the plan amendment procedures at N.J.A.C. 7:15-3.5 and 4.4.

- 2) All future development on sites located outside the existing sewer service area should also be included in a future expansion of the sewer service area; however, site owners would be responsible for submitting a plan amendment application to the Department along with any required documentation,

including but not limited to wetland delineations and habitat surveys, in accordance with the plan amendment procedures at N.J.A.C. 7:15-3.5 and 4.4.

The strategy for addressing the capacity deficit in Jackson Township consists of four parts:

1) Future expansion of the sewer service area to include two sites: The Fountainhead Mobile Home Park Extension, Block 9001, Lot 20; and the "Tomaron" commercial area, Block 4302, Lots 10 and 47 and Block 4603, Lot 72. These sites should be added to the adjacent sewer service area under a future amendment to the Ocean County WQM Plan. Removal of these two sites from the area to be served by individual subsurface sewage disposal systems would allow the HUC11 02040301030 to meet its nitrate dilution target. The site owners would be responsible for submitting a plan amendment application to the Department along with any required documentation, including but not limited to wetland delineations and habitat surveys, in accordance with the plan amendment procedures at N.J.A.C. 7:15-3.5 and 4.4.

2) The Ocean County Department of Planning will pursue acquisition through the Natural Lands Trust Fund and preservation of undeveloped land in HUC11 02040301030 that is currently outside the sewer service area;

3) Jackson Township should pursue future expansion of the sewer service area to include all existing residential development located adjacent to the existing sewer service area. The Township would be responsible for submitting a plan amendment application to the Department along with any required documentation, including but not limited to wetland delineations and habitat surveys, in accordance with the plan amendment procedures at N.J.A.C. 7:15-3.5 and 4.4.

4) Jackson Township should adopt a municipal ordinance requiring all new commercial development in HUC11 02040301030 to connect to local sewers. If a plan amendment would be required to add any of the new commercial development to the sewer service area, the Township or the owners of the commercial development would be responsible for submitting a plan amendment application to

the Department along with any required documentation, including but not limited to wetland delineations and habitat surveys, in accordance with the plan amendment procedures at N.J.A.C. 7:15-3.5 and 4.4.

Additional strategies are proposed to address capacity deficits in the Northern Planning Area and in Plumsted Township. The 2015 Ocean County WMP identified potential capacity deficits for the Northern Planning Area and the New Egypt Town Center (NETC) of Plumsted Township but did not identify strategies for addressing these deficits. While both areas are mapped as sewer service areas in the current WMP, they are predominantly served by onsite septic systems because of insufficient capacity at the existing wastewater treatment facilities to receive the wastewater flow from these areas at the time the WMP was adopted. The strategy for the Northern Planning Area capacity deficiency is for the Ocean County Utilities Authority to request modification of the NJPDES permit for the Northern Water Pollution Control Facility (NJPDES Permit No. NJ0028142) allowing expansion of the permitted capacity from 32 million gallons per day (mgd) to 36 mgd. The strategy to address the NETC capacity deficiency is to convey wastewater from the non-sewer service areas to a new wastewater treatment facility owned and operated by the Plumsted Township Municipal Utilities Authority, which was proposed in the 2015 WMP but has been authorized by the Department (NJPDES permit No. NJ0226271) to receive a projected wastewater flow of 0.60 mgd, which is sufficient to address the NETC capacity deficit. The Department has determined that the proposed strategies to mitigate potential capacity deficiencies comply with N.J.A.C. 7:15-4.5(b)4.

The proposed amendment would also add a new component to the current WMP consisting of a septic maintenance program plan, in accordance with N.J.A.C. 7:15-4.5(c)1vi. The Ocean County Department of Planning, in coordination with Ocean County Health Department, developed the septic maintenance program plan for the entire county; which consists of an inventory of all existing individual subsurface sewage disposal systems (ISSDS), current septic management practices that promote care and maintenance of septic systems, and proposed improvements to the current septic management practices

and refinement of the ISSDS inventory. The Department has determined that the septic maintenance program plan complies with N.J.A.C. 7:15-4.5(c)1vi.

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

Ocean County Department of Planning
129 Hooper Avenue, First Floor
P.O. Box 2191
Toms River, New Jersey 08754-2191

AND

New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Environmental Analysis Assessment and Standards
Water Quality Management Planning Program
P.O. Box 420, Mail Code 401-041
401 East State Street
Trenton, New Jersey 08625-0420

The Department's file is available for inspection through the Open Public Records Act. Requests may be made on-line at <https://www.state.nj.us/dep/opra/opraform.html>.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above. Comments should reference Program Interest No. 435448, Activity No. AMD170008 and must be submitted within 30 days of the date of this public notice. A copy of the written comments should also be sent to:

Anthony M. Agliata

Ocean County Department of Planning

129 Hooper Avenue, First Floor

P.O. Box 2191

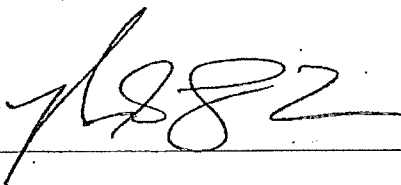
Toms River, New Jersey 08754-2191

Interested persons may also request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period specified in this notice. Such request should reference Program Interest No. 435448, Activity No. AMD170008 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under 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 New Jersey Register and the comment period will be extended to 15 days after the public hearing date. All comments submitted prior to the close of the comment period shall be considered by the Department before making a final decision on the proposed amendment.

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

3/6/19

Date



Bruce S. Friedman, Director

Division of Water Monitoring and Standards