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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Proposed Amendment to the Mercer County Water Quality Management Plan Dynamic-Hilco

Warehouse

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed site specific amendment to the Mercer County Water Quality Management (WQM) Plan in accordance with 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 proposed amendment, identified as the **“Dynamic-Hilco Warehouse”** (Program Interest No. 435452, Activity No. AMD190001), would expand the sewer service area (SSA) of the Trenton Sewer Utility (NJPDES No. NJ0020923) by 87.10 acres to serve a proposed warehouse facility located on Block 2506, Lots 6 (portion), 8 (portion), 22, and 27 (portion), Hamilton Township, Mercer County. The proposed project includes a combined 1.2 million square-foot warehouse distribution facility specifically on Lot 8 and would generate a projected wastewater flow of 33,000gallons per day (gpd), based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. The proposed amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department’s determination that the amendment is compliant with the applicable regulatory criteria, as described below.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of 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

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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 will include less than 100 acres to the SSA and more than 20,000 gpd and send its flow to the Trenton Sewer Utility. The Trenton Sewer Utility is currently permitted to discharge up to 20 million gallons per day (mgd) under New Jersey Pollutant Discharge Elimination System (NJPDES) permit NJ000020923. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing wastewater flow is the highest consecutive 12-month rolling average during the five-year period preceding the amendment application (March 2014 to March 2019), which was calculated to be 12.604 MGD (Jan 2019- February 2019) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner (<https://www.13.state.nj.us/DataMiner>). The additional flow from the proposed project should not cause the facility to exceed its permitted capacity; therefore, no additional wastewater treatment plant capacity analysis is required.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSAs, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One 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) through (g) and made the following findings:

- The Department determined that there expanded SSA does not contain any areas mapped as endangered or threatened wildlife species habitat Rank 3, 4 or 5 on the Department's Landscape Maps

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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 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 sewer service area does not contain any Category One (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 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 #1103-02-0019.1 FWW150001 confirming that there are no wetlands within the expanded sewer service area.
- The Department determined that the expanded sewer service area does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the “CAFRA Layers” GIS layer in accordance with 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).

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Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department considered the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans and determined that the expanded sewer service area is consistent with the municipality. In a letter dated May 20, 2019, the Township of Hamilton offered no objection to the proposed amendment. The Mercer County Planning Department issued a letter received on September 18, 2019 stating that the proposed project is consistent with the Mercer County Master Plan.

This notice is to inform the public that a plan amendment has been proposed for the Mercer County WQM Plan and that a public hearing will be held by Mercer County on February 12, 2020, at 9:00 a.m. in the McDade Administration Building, 640 South Broad Street, Freeholder Meeting Room 211, Trenton, New Jersey 08650-0068. Mercer County, as the designated planning agency, requires that a public hearing be held for all WQM plan amendments under its jurisdiction. All information related to the Mercer County WQM Plan and the proposed amendment is located at:

Mercer County Planning Department
McDade Administration Building
640 South Broad Street
P.O. Box 8068
Trenton, New Jersey 08650-0068

AND

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

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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. 435452, Activity No. AMD190001 and must be submitted within 30 days of the date of this public notice or within 15 days of the public hearing. A copy of the written comments should also be sent to:

Secretary, Mercer County Planning Board

P.O. Box 8068

Trenton, New Jersey 08650-0068

AND

Mr. Jeffrey Haberman

Dynamic Engineering Consultants, PC

1904 Main Street

Lake Como, New Jersey 07719

Interested persons may also request in writing that the Department hold a non-adversarial public hearing on the amendment, in addition to the County hearing, or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435452, Activity No. AMD190002 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

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proposed amendment. 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 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.

Date ____11/19/2019____

____SIGNED____

Bruce S. Friedman, Director

Division of Water Monitoring and Standards