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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Lower Delaware 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 Lower Delaware 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 “Kelly Logistics Park North ” (Program Interest No. 435441, Activity No. AMD220004) would expand the sewer service area (SSA) of the Carneys Point Township Sewerage Authority (CPTSA) Sewage Treatment Plant (STP) (NJPDES No. NJ0021601) by 103 acres to serve a proposed development that includes the construction of four warehouse buildings with a total footprint of approximately 2,048,000 square feet located on portions of Block 239, Lot 14, 15, 16, 17, 17.01, 17.02, and 19, in Carneys Point Township, Salem County. The total proposed area of disturbance is 245 acres, 10 acres of which are in the currently adopted SSA and 103 acres which are proposed to be added to the SSA. The project will generate a projected wastewater flow of 51,900 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. The amendment would also adopt an updated build-out analysis for the CPTSA STP SSA.

In addition, this amendment updates the sewer service area (SSA) designation of portions of Block 28.01, Lots 62, 63, 64, 65, and 66 in Oldmans Township, Salem County. During the review of the updated

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build-out analysis, the Department noted that the site is currently identified as Unassigned Sewer Service Area in the Salem County Wastewater Management Plan. However, on March 27, 2017, the Department issued a Treatment Works Approval (No. 17-0067) for Gateway Business Park Expansion, for wastewater flows to be conveyed to the CPTSA STP. No expansion of the CPTSA STP is involved with the redesignation of the SSA.

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 flow 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 more than 100 acres and would generate 20,000 gpd or more of wastewater flow. A wastewater treatment capacity analysis modification was conducted by the CPTSA. The existing flow of the CPTSA STP, as calculated in accordance with N.J.A.C. 7:15-4.5(b)1, is 1.2 million gallons per day (mgd). The CPTSA STP is currently permitted to discharge up to 1.3 mgd. As such, there is currently capacity for the proposed project. However, the Salem County Wastewater Management Plan (WMP), adopted in 2016, identifies a potential deficit of 3.3 mgd for the currently adopted SSA; insufficient wastewater treatment capacity exists to accommodate the buildout of the SSA. The updated capacity analysis, based on the current zoning, identifies a reduction in the projected deficit to 2.6 mgd. Despite this reduction, Carneys Point Township continues to not have sufficient wastewater treatment capacity to support future wastewater management needs projected in the WMP. As such, the expansion of the SSA to include the proposed project may usurp capacity from areas currently within the adopted SSA. The CPTSA needs to

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evaluate strategies as to how they will manage the wastewater flows anticipated from the projected development within the SSA. The CPTSA is currently evaluating potential options such as diversion of the wastewater from a portion of the SSA to the Penns Grove STP and the expansion of the CPTSA STP. However, no expansion of the CPTSA STP is currently proposed, and an antidegradation analysis and amendment of the WQM Plan would be necessary if an expansion is proposed.

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, alone, or in combination: endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One (C1) waters and their 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 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 endangered and threatened wildlife species habitat Rank 4 for the Bald Eagle based on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife "Landscape Project Data" Version 3.3 GIS data layers. Pursuant to N.J.A.C. 7:15-4.4(j)2, the applicant submitted a Habitat Suitability Determination (HSD), dated April 2022, prepared in accordance with N.J.A.C. 7:15-4.6. The HSD determined that the area of proposed SSA mapped as bald eagle nest habitat is largely limited to the area of the site that is currently developed and/or disturbed with agricultural use (cropland.) The proposed SSA contains

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minimal conflict within forested habitat in the western portion of the site, which is largely comprised of edge habitat along an agricultural field. Trees in this area are generally at a successional stage and do not meet nesting requirements for the bald eagle. Based on the above findings, the HSD concluded the area of proposed SSA does not provide suitable nest habitat for the bald eagle. The Department conducted a review of the HSD and all relevant endangered or threatened species information and site data and largely concurred with the HSD conclusion. While Department records do show an active bald eagle nest approximately 0.5 miles to the east, the site falls outside of the critical 1000-foot nest buffer where activities might have a direct impact on the nest. In accordance with N.J.A.C. 7:15-4.7(e)1, the Department determined any potential impacts would be minor and not adversely impact the local eagle nesting habits.

- 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 the proposed 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 N.J.A.C. 7:13-4.1(c)1 and 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 # 1713-20-0004.1 FWW 140001 and File #1 713-21-0001.1 FWW 200001 confirming that no contiguous area of wetlands, alone or in combination with other ESAs of 25 acres or more are located within the proposed sewer service area.

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- 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).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project based on the U.S. Environmental Protection Agency (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, future land uses shown in adopted municipal and county master plans, and other local land use objectives. Carneys Point Township Planning Board adopted Resolution# 2022-38, on October 11, 2022, granting Preliminary and Final Major Site Plan Approval and Preliminary and Final Major Subdivision Approval. The Salem County Board of County Commissioners adopted Resolution # 2023-228 on May 17, 2023 in support of the proposed amendment.

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

New Jersey Department of Environmental Protection
Division of Watershed Protection & 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

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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 & 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. Comments should reference Program Interest No. 435441, Activity No. AMD220004 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. 435441, Activity No. AMD220004 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 Department before making a final decision on the proposed amendment.

Sewer service is not guaranteed should this amendment be adopted as 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

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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.

11/15/2023

Date

SIGNED

Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Division of Watershed Protection and Restoration

NJ Department of Environmental Protection