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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LAND MANAGEMENT**

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

#### **Proposed Amendment to the Tri-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 Tri-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 “2470 Route 206 Pemberton Warehouse” (Program Interest No. 435433, Activity No. AMD220010) would expand the sewer service area (SSA) of the Mount Holly Municipal Utilities Authority (MHMUA) Water Pollution Control Facility (WPCF) (NJPDES No. NJ0024015) by 57.75 acres to serve a proposed 812,500 square feet (SF) building consisting of 772,500 SF of warehouse space and 40,000 SF of office space located on a portion of Block 778, Lot 2.01, in Pemberton Township, Burlington County. The project will generate a projected wastewater flow of 35,175 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

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

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project involves more than 100 acres and/or would generate 20,000 gpd or more of wastewater flow and is thus subject to a wastewater capacity analysis modification. The purpose of the modification is to demonstrate the MHMUA STP has the available capacity to service the project. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing wastewater flow at the MHMUA STP, calculated as the highest consecutive 12-month rolling average during the five-year period preceding the amendment application, was determined to be 3.594 million gallons per day (MGD) (September 2018 to August 2019) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner <https://njems.nj.gov/DataMiner>. The MHMUA STP is currently permitted to discharge up to 7.675 MGD under NJPDES Permit No. NJ0024015. As such, the MHMUA STP currently has capacity for the proposed project.

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 proposed SSA contains areas mapped as Rank 3 habitat (Grasslands Birds) and Rank 4 habitat (Bald Eagle Foraging) on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife based on the "Landscape Project Data"

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Version 3.3 GIS data layers, in accordance with N.J.A.C. 7:15-4.4(c)1. Pursuant to N.J.A.C. 7:15- 4.6 and 4.7, the applicant submitted a Habitat Suitability Assessment (HSD) and provided crop yield records as submitted to USDA for the preceding five years. Based on this information, the Department determined that the site has been under soybean production during the breeding season of the grassland birds for a sufficient period of time to largely negate the suitability of the onsite habitat for grassland birds and would thus result in insignificant or discountable impacts to any such habitat . In regard to the eagle foraging habitat, the Department concurred with the HSD that the site conditions, mainly the lack of any primary open water, severely limit foraging opportunities for the bald eagle to a level where impacts would be insignificant or discountable.

- 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 # (0329-21-0002.1, Activity Number LLI220002) confirming that no contiguous area of wetlands, alone or in combination with other ESAs, of 25 acres or more are located within the proposed SSA. An area of isolated wetlands less than the 25-acre criteria threshold does exist within the proposed SSA, as well as another wetlands area on the project site but outside of the proposed

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SSA. The applicant has submitted an application for Freshwater Wetlands general permits (GP) GP7 and GP 11 under File No. 0329-21-0002.1 LUP230002.

- 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. The proposed project received Preliminary and Final Major Site Plan approval on February 26, 2024 (Resolution No. P-14-2024). The Burlington County Planning Department issued an email dated February 14, 2024, stating that Burlington County has not adopted a master plan.

This notice is to inform the public that a plan amendment has been proposed for the Tri-County 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](mailto:wqmp.publiccomments@dep.nj.gov). Comments should reference Program Interest No. 435433, Activity No. AMD220010 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. 435433, Activity No. AMD220010 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 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.

10/30/2024  
Date

SIGNED  
Gabriel Mahon, Bureau Chief

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