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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LAND MANAGEMENT**

### **OFFICE OF POLICY AND TECHNICAL DEVELOPMENT**

#### **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. 58:11A-et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15. The proposed amendment, identified as “Mansfield Inclusionary Mixed Use Development, also known as Tower Gate Associates” (Program Interest No. 435433, Activity No. AMD220002), would expand the sewer service area (SSA) of the Bordentown Sewerage Authority (BSA) by 73.03 acres to serve a proposed commercial and residential development located on Block 70, Lots 6.01 and 6.02 (portion), Mansfield Township, Burlington County. The proposed project consists of a 144,240 square foot (sq. ft.) warehouse of which 20,000 sq. ft. is office space, a 747,836 sq. ft. warehouse of which 40,000 sq. ft. is office space, 18 one-bedroom units, 54 two-bedroom units, 24 three-bedroom units, a two-bedroom superintendent unit and a residential amenity building. The proposed project would generate a projected wastewater flow of 61,313 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3 to be received by the BSA

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Sewage Treatment Plant (New Jersey Pollutant Discharge Elimination System (NJPDES) Permit #NJ0024678).

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 total projected wastewater flow of 20,000 gpd or more and is thus subject to a wastewater capacity analysis modification. The purpose of the modification is to demonstrate the BSA 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 BSA STP, calculated as the highest consecutive 12-month rolling average during the five-year period preceding the amendment application (January 2018 to February 2024), was determined to be 1.8843 million gallons per day (MGD) (September 2018 - August 2019) based on NJPDES Discharge Monitoring Reports reported in DEP Data Miner <https://njems.nj.gov/DataMiner>. The BSA STP is currently permitted to discharge up to 3 MGD

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under NJPDES Permit No. NJ0024678. As such, the BSA 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 features, 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 for Wood Turtle on the Department's Landscape Maps of Habitat for Endangered, Threatened or other Priority Wildlife based on the "Landscape Project Data" Version 3.4 GIS data layers, in accordance with N.J.A.C. 7:15-4.4(e)1. Pursuant to N.J.A.C. 7:15-4.4(j)4, the applicant submitted a Habitat Suitability Statement to rebut the presumption that the proposed project

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site is constrained for endangered and threatened species habitat. The Department review determined none of the onsite wetlands were considered to be suitable habitat for Wood Turtle. Department records are from the stream corridor associated with Crystal Lake which is located northwest of the site. There is no hydrogeologic connection between the onsite wetlands and the stream corridor. The probability of Wood Turtle accessing the site via overland movements is extremely unlikely due to the distance from the Wood Turtle's core habitat area. As a result, the Department determined that impacts to the onsite habitat 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 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 # File No. 0318-19-0004.1 FWW190001 for Lot 6.02, and a

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Freshwater LOI: Presence/Absence Determination File # No. 0318-22-0001.1 LLI220001 for Lot 6.01, 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).
- The Department determined that there are 201 Facilities Plan grant conditions applicable to the project site 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). The proposed project will be served by the BSA STP which is subject to a Federal ESA grant condition included in the grant agreement executed between the BSA and USEPA under project Number C-34-0607-02. The ESA grant condition prohibits any sewer connection to Federally funded facilities from any sewage generating structure located on a parcel of property containing wetlands and/or floodplains unless a mapping waiver or grant waiver is obtained from USEPA. A partial grant waiver was issued by the USEPA to the BSA on August 15, 2024.

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

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plans and other local land use objectives. The Mansfield Township Committee adopted Resolution 2024-1-24 on January 3, 2024, in support of the proposed amendment and states that the property is zoned specifically for the proposed project and that the proposed amendment is consistent with the zoning. The Mansfield Township Joint Land Use Board adopted Resolution 2024-2-5 on February 22, 2024, and memorialized on February 26, 2024, granting Preliminary and Final Major Site Plan with Minor Subdivision Approval. The Burlington County Department of Resource Conservation issued a letter on November 17, 2023, stating that Burlington County has not adopted a master plan and that any site plan for land development must be reviewed by the Burlington County Planning Board to determine if such development would impact county roads or county drainage facilities.

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  
Office of Policy and Technical Development  
Water Quality Management Planning Program  
PO Box 420, Mail Code 501-02A  
501 East State Street  
Trenton, New Jersey 08625-0420

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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 Office of Policy and Technical Development 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. AMD220002 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. AMD220002 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 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.

3/13/2025

Date



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Jason Kane, Assistant Director  
Office of Policy and Technical Development  
Watershed and Land Management  
NJ Department of Environmental Protection