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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Lower Delaware Water Quality Management Plan

Take notice that on August 2, 2024, pursuant to the provisions of 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 New Jersey Department of Environmental Protection (Department) adopted an amendment to the Lower Delaware Water Quality Management (WQM) Plan. The amendment, identified as Trout National – The Reserve Golf Course (Program Interest No. 435441, Activity No. AMD230005) expands the sewer service area (SSA) of the Landis Sewerage Authority (NJPDES No. NJ0025364) by 10.98 acres to serve multiple buildings within a golf course resort, including club houses, a restaurant, a performance center, training facilities, maintenance buildings, a halfway house, member cottages, and associated site amenities, located on portions of Block 7503/Lot 35.02 and Block 7701/Lot 4.01, in Vineland City, Cumberland County. The project will generate a total projected wastewater flow of 16,693 gallons per day (gpd), of which 14,733 gpd is from the added sewer service area, and 1,960 gpd from within the currently adopted sewer service area, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

Preliminary notice was published in the New Jersey Register on July 1, 2024, at 56 N.J.R. 1199(b). Comments were received from one individual during the public comment period. A

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summary of the comment and Department response is provided at the end of this notice. This notice represents the Department's determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15 as described below.

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from Vineland City, Landis Sewerage Authority (LSA), and the Cumberland County Commissioners. Vineland City adopted Resolution 2024-253 on June 11, 2024, consenting to the proposed amendment. The LSA adopted Resolution 2024-49 on June 17, 2024, consenting to the proposed amendment. The Cumberland County Board of County Commissioners adopted Resolution 2024-399 on June 25, 2024, approving the proposed amendment.

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 less than 100 acres of proposed SSA and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment capacity analysis is not required.

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

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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 areas mapped as endangered or threatened wildlife species habitat for Red-Headed Woodpecker (Rank 3) and Barred Owl (Rank 3) on the Department's Landscape Maps 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. Pursuant to N.J.A.C. 7:15-4.4(j)2, the applicant submitted a Habitat Suitability Determination/Impact Assessment, dated October 6, 2023, prepared pursuant to N.J.A.C. 7:15-4.6 and 4.7. The Department determined that the Red-Headed Woodpecker would not be negatively impacted since any impacts of the proposed SSA would be insignificant and the surrounding golf course proper could improve habitat by providing a largely maintained understory forest area with surrounding early successional habitat in between. Onsite habitat for the Barred Owl is largely marginal being predominantly hardwood upland forest lacking trees of sufficient size for nesting.

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- 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 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 # LOI 0614-23-0002.1 confirming there are no wetlands in the expanded SSA.
- The Department determined that the expanded 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).
- In accordance with N.J.A.C. 7:15-4.4(g), the Department determined that there are applicable 201 Facilities Plan grant conditions based on the U.S. Environmental Protection Agency (USEPA) list of New Jersey Grantees with ESA Grant Condition(s) at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2>. The amendment allows for conveyance of wastewater to the Landis Sewerage Authority treatment plant, which is subject to a Federal ESA grant condition included

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in the grant agreement executed between the Landis Sewerage Authority and the USEPA under Project Number C-34-461. 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 or within the 100-year floodplain unless a mapping revision or grant waiver is obtained from USEPA. On March 14, 2024, a partial waiver of the ESA condition was granted by the USEPA. The sewer connection restriction remains in effect for the wetlands and floodplains on the site. Any modification to this project resulting in disturbances to wetlands and floodplains will require a resubmittal to the USEPA for a revised determination, and the sewer connection restriction of the special grant condition remains in effect for any future construction. While the project site contains wetlands, the expanded SSA does not include any wetlands areas.

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. Vineland City provided Resolution No. 6610, dated December 13, 2023, stating the proposed project was consistent with the Vineland Zoning Ordinance and Master Plan. The Cumberland County Planning Department issued a letter dated November 20, 2023, stating that the proposed project is consistent with Cumberland County's planning documents.

The following individual provided comment on this amendment during the comment period.

Ellen Pendersen

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COMMENT: An already diminished watershed area may be even more diminished by further removal of water. Since we have been experiencing drought on an increasing basis this use of water is worrying.

RESPONSE: The WQMP amendment is just one approval required from the Department and is not meant to address all possible issues related to the project. The above notice outlines the criteria used in the review of this WQMP amendment, which focuses on the eligibility of the property for sewer service, and the results of that review. More detailed technical reviews of other aspects of the project will be done at the time of submittal of permit applications to the Department and any additional local approvals needed for the project. Approval of this amendment does not eliminate the need to obtain any other necessary permits, approvals or certifications required by any Federal, State, county or municipal review agency with jurisdiction over the project. Many issues that are beyond the scope of the WQMP amendment review will be addressed as part of the review required to obtain these other approvals.

Sewer service is not guaranteed by the 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 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.

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8/2/2024

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