

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE SEPTEMBER 16, 2024, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE ADOPTION, THE OFFICIAL VERSION WILL GOVERN.

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 16, 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 638 Gershal Avenue Warehouse (Program Interest No. 435441, Activity No. AMD230004) is for a new discharge to groundwater (DGW) sewage treatment plant (STP) and sewer service area (SSA) to serve a 962,500 square foot (sf) warehouse building of which 934,500 sf is warehouse space and 28,000 sf is office space. The SSA is 52.5 acres of the 93.3-acre site located on portions of Block 3101, Lots 8-16 in Pittsgrove Township, Salem County. Wastewater from the development will be served by a new onsite Discharge to Groundwater (DGW) wastewater treatment system, which will be regulated under a New Jersey Pollutant Discharge Elimination System (NJPDES) permit. The project will generate a projected wastewater flow of 16,825 gallons per day (gpd) based on three shifts using flow calculated in accordance with N.J.A.C. 7:14A-23.3.

Preliminary notice was published in the New Jersey Register on April 15, 2024, at 56 N.J.R. 617(a) and a public hearing was held by the Department on June 18, 2024. Comments were received during the public comment period. A summary of the comments and Department responses are provided at the end of

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this notice. This notice represents the Department's determination that the proposed 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 a written statement of consent from Pittsgrove Township and Salem County. Pittsgrove Township adopted Resolution No. 63-2024 on April 24, 2024, consenting to the amendment. The Salem County Board of County Commissioners adopted Resolution No. 2024-303 on July 17, 2024, consenting to the 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 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. However, since the wastewater is to be treated by a proposed new onsite wastewater treatment facility specifically for this project, an 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), (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:

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- The Department determined that the 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 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 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 # 1710-22-0005.1 LLI220001, confirming that there are no wetlands within the expanded sewer service area.
- 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).
- 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).

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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 adopted zoning ordinances, future land uses shown in adopted municipal and county master plans, and other local land use objectives. The project received requested variances on September 26, 2023, from the Pittsgrove Township Planning Board (Resolution #2023-17). The Salem County Engineer's Office issued a letter dated October 19, 2023, stating that the project is consistent with the Salem County Master Plan.

The following individuals provided comments on this amendment during the comment period.

1. Norman Lenchitz, in emails dated April 12, 2024, June 17, 2024, and at the public hearing
2. Nicholas Messiano, in emails dated June 12, 2024, June 17, 2024, and at the public hearing
3. Deb Shoemaker, in an email dated June 17, 2024, and at the public hearing

A summary of the comments received, and the Department responses follows. The number(s) in parenthesis after each comment identifies the respective commenter listed above.

1. COMMENT: I think the state has a giant stake in seeing that runoff, whether it's from the trucks dripping oil and hydraulic fluid, or the wastewater from bathrooms in this nearly one million square foot facility, doesn't leak onto state land or dump untreated sewage when there are rainstorms, as the project is adjacent to the whole eastern border of the wildlife management area. (1)

RESPONSE: The WQM Planning Program does not review for compliance with the Stormwater Management rules at N.J.A.C. 7:8, and compliance with the Stormwater Management rules is not a prerequisite for SSA eligibility. Pittsgrove Township is required to develop, update, implement and enforce a stormwater management program to address post construction stormwater runoff in new development and redevelopment and to ensure compliance with the Stormwater Management rule through their MS4 permit. Any violation of the permit would be handled by the Department's Water Compliance and Enforcement Program.

As stated above, treated wastewater will be regulated under a NJPDES permit, and issues related to wastewater will be addressed within the scope of the NJPDES Discharge to Ground Water permit review when that application is submitted.

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The WQM Plan amendment required for this project is just one approval required from the Department and is not meant to address all possible issues with 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.

2. COMMENT: Will the treatment plant discharge meet ground water quality standards?

Will the treatment plant perform nitrification/denitrification to achieve a total nitrogen level of below 10 mg/l? Does the treatment system provide disinfection of the effluent? Will there be a Department Licensed wastewater operator to run the facility and how many hours per week will that person be onsite? What is the depth to groundwater at the effluent disposal site? Was a nitrate dilution model performed? Will there be groundwater monitoring wells? If there is a malfunction or problem at the treatment plant, what alarms are being provided and to where do the alarm signals go to get a responsible person onsite? Will there be a backup generator to operate the plant? If not, if the plant loses power will the building be closed? (2)

RESPONSE: These comments are beyond the scope of the Water Quality Management Planning rules at N.J.A.C. 7:15. As previously stated, the discharge will be regulated under a NJPDES permit and these comments are more appropriately within the scope of a NJPDES Discharge to Ground Water permit review. Conditions established in the NJPDES permit will be designed to avoid degradation of water quality. Once issued, any violations of the permit are handled by the Department's Water Compliance and Enforcement Program.

As stated above, the WQM Plan 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 WQM Plan amendment, which focuses on the eligibility of the property for sewer service, and the results of that review. More detailed technical

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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.

3. COMMENT: An obvious case of environmental racism is present. The minority majority towns of Norma, Brotmanville, and Alliance are the only towns in the township with a concentrated black and Hispanic population, and coincidentally the only ones with MC-1 Commercial/Industrial zoning next to them. We are talking about risking the pristine Maurice River. The whole town relies on groundwater, and wells tend to be about 100 deep, pretty shallow. We are talking about the relocation of hundreds, if not thousands, of residents on well water who purposely chose their homes to be a part of a quiet rural community, and now stand to be massively negatively impacted.
(2)

4. COMMENT: Given the fact that our small Norma community is already in an overburdened, underserved, overpopulated area of Pittsgrove, the last thing we need is to add environmental injustice as an additional burden, thereby contaminating our well water. It's bad enough we must endure the constant and ever-increasing rumble and roar of tractor-trailers 24/7, but tainted well water should be a bridge too far. We want to keep our well water. For the life, health and safety of our Norma community, or Pittsgrove community as a whole, please say no to this mega warehouse, or any other proposed project that will disperse raw sewage into our well water, as well as other unhealthy contaminants. (3)

RESPONSE TO COMMENTS 3 AND 4: The Department acknowledges the commenters' concerns regarding environmental justice; however, the WQM Planning Program does not determine where these projects should occur or the nature of these projects. The role of the WQM

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Planning Program is to review applications submitted to the Program against the criteria established in N.J.A.C. 7:15. Local government, through master planning and zoning ordinances, determines the type of development and the density level the municipality desires for an area.

The discharge of wastewater will be regulated under a NJPDES permit. Conditions established in the NJPDES permit will be designed to avoid degradation of water quality. Once issued, any violations of the permit are handled by the Department's Water Compliance and Enforcement Program.

5. COMMENT: Any project that is greater than a certain threshold in the township, or labeled a center, is supposed to be hooked up to a sanitary sewer system or it shouldn't be built. On the other side of the river, in Vineland, there are industrial parks. They have a sanitary sewer system there. The Vineland Municipal Utility Authority does a great job, whereas I've never seen a private sewer system that didn't have problems from time to time. (1)
6. COMMENT: Commenters expressed that they do not approve of the proposed location of the warehouse and would like to see it relocated to an industrial park that is served by sewer and they are opposed to the project. (2, 3)

RESPONSE: The Department acknowledges the comments; however, the application was reviewed against the criteria for the delineation of sewer service areas at N.J.A.C. 7:15-4.4, which the application was able to meet. As stated previously, the WQM Planning Program does not determine where these projects should occur or the nature of these projects. The WQM Plan amendment is only one part of the permit process, and other issues may need to be addressed. Inclusion in the SSA resulting from adoption 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.

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7. COMMENT: There were numerous blatant mistakes in the application to the township. Despite the errors the plan was approved by the planning board. How can we trust a company that submits an application with so many obvious mistakes and errors and omissions to run a sewer plant which is adjacent to and overlapping wetlands that has experienced extreme pollution in the past to the point there was a moratorium on fishing, eating the fish and swimming in Union Lake? This is directly upstream from Union Lake. This site is where it took about 10 years to correct pollution from a plant upstream which has since been closed. Union Lake is a jewel. It's part of a wildlife management area that stretches for miles and is a swimming area and recreation area for people in Millville and people count on it. (1)
8. COMMENT: This project is located directly next to DEP-owned wetlands, which is the Maurice River corridor. The DEP owns the entire corridor. It's really an amazing thing that the State did to protect that river and it's a beautiful place. The federal government recently spent over \$120,000,000 to clean up the Vineland Chemical Superfund site that is hardly a mile upstream from the proposed sewage to groundwater treatment plant. The people do not want this project as shown by then showing up for months at meetings. It has no place in our quiet rural community. (2)

RESPONSE TO COMMENTS 7 AND 8: The Department acknowledges the concerns about the local review process; however, the local review process does not fall under Department purview.

The Department appreciates the acknowledgement of the State's efforts to protect the local waterways. As discussed above, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File # 1710-22-0005.1 LLI220001, confirming that there are no wetlands within the expanded sewer service area.

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 SSA as a result of the approval of this amendment does not eliminate the need to obtain all necessary permits, approvals or

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certifications required by any Federal, State, county or municipal review agency with jurisdiction over this project/activity.

<u>08/16/2024</u>	<u>Signed</u>
Date	Gabriel Mahon, Bureau Chief Bureau of NJPDES Stormwater Permitting and Water Quality Management Division of Watershed Protection and Restoration NJ Department of Environmental Protection