

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE May 5, 2025, 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

OFFICE OF POLICY AND TECHNICAL DEVELOPMENT

Adopted Amendment to the Lower Delaware Water Quality Management Plan

Take notice that on March 10, 2025, 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 “Active Acquisitions Warehousing Carneys Point AKA Catalano 1 and AACHCP Property, LLC” (Program Interest No. 435441, Activity No. AMD220003) establishes a 96.4-acre Sewer Service Area (SSA) for the construction of two warehouses with associated office space, parking and stormwater infrastructure. Warehouse A is proposed to be 1.02 million square feet and is to be constructed on Block 268, Lots 5, 5.01, and 6, located to the south of Courses Landing Road in Carneys Point, Salem County. Warehouse B is proposed to be 276,138 square feet and is to be constructed on Block 255, Lots 13, 14, 14.01, 14.02 and 14.03, located on the north side of Courses Landing Road in Carneys Point, Salem County. The project will generate a projected wastewater flow of 47,217 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. Wastewater will be conveyed to a new onsite discharge to ground water wastewater treatment and disposal system to be located on Block 255, Lot 10.

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Preliminary notice was published in the New Jersey Register on January 6, 2025, at 57 N.J.R. 92(a). 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. Comments were received during the public comment period. The comments and Department responses are provided at the end of this notice.

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 Carneys Point Township, Carneys Point Sewerage Authority, and the Salem County Board of County Commissioners. Carneys Point Township adopted Resolution 2025-55 on February 5, 2025, consenting to the proposed amendment. The Carneys Point Sewerage Authority adopted Resolution 2024-75 on December 17, 2024, consenting to the proposed amendment. The Salem County Board of County Commissioners did not respond to the request for consent.

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 will be served by a new onsite discharge to groundwater treatment plant that will only serve the Active Acquisitions Warehousing Carneys Point development described above. Therefore, a wastewater treatment plant capacity analysis is not required.

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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 and 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 new 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 project site contained areas mapped as bald eagle (Rank 4) habitat, mostly associated with the onsite wetlands; however, these areas were evaluated by the Department and determined not to be habitat or were not within the proposed SSA. The wastewater treatment and disposal system is to be located on Block 255, Lot 10. This lot was identified as Rank 4 habitat for bald eagle nesting but is already within the adopted SSA and will thus be

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evaluated as part of any wetland permits that may be needed for the construction of the wastewater treatment system. Additionally, "Landscape Project Data" Version 3.4 was released on January 6, 2025, and no longer shows bald eagle habitat Rank 3, 4 or 5 on the project site.

- The Department determined that the 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 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 # 1713-07-0001.2 FWW220001 confirming that there are no wetlands within the sewer service area.
- The Department determined that the 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).

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- 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 adopted Resolution 2021-23 on December 14, 2021, granting a Use and Bulk Variances, and on July 12, 2022, adopted Resolution 2022-31 granting Preliminary and Final Major Site Plan Approval. The Salem County Planning Department in an August 22, 2024, email confirmed the proposed project is consistent with the Salem County Master Plan, in particular, the Smart Growth Zone established in the 2016 Smart Growth Master Plan Element.

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

1. Megan Manogue
2. Karen Bartlett
3. Stephanie Smith and family
4. Jason Menegus
5. Barb Bro
6. Jean Public

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

Too many warehouses, not needed, not a beneficial use of the land

COMMENT: The commentors disapprove of the construction of new warehouses in New Jersey, stating there are already too many, many of which sit empty, claiming it was not beneficial use of the land and urged the Department to deny the amendment. (1, 2, 3, 4, 5, 6)

RESPONSE: While the Department acknowledges the comment, this project was reviewed in accordance with the WQM Planning rule at N.J.A.C 7:15 and was found to meet the criteria for delineation as SSA, as outlined above. Before moving forward, the project must obtain any other required Department permits and approvals. Those approvals will look at additional factors that are beyond the scope of the WQM Planning rule.

Adverse traffic impacts

COMMENT: The commenters expressed concerns over the potential impact of the proposed warehouse on traffic and road conditions in the area. (1, 2, 3, 5)

RESPONSE: The impact of the proposed development on traffic is beyond the scope of the Department's authority under the WQM Planning rules and is not addressed through the amendment process. However, they may be evaluated and addressed by other local and state agencies through the review of needed approvals and/or permits.

Drinking Water Pollution

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COMMENT: The commenters expressed concern over the potential impact of the proposed warehouse on well water. (1, 2, 3)

RESPONSE: Evaluation of the quality of discharge from the proposed on-site wastewater treatment plant is beyond the scope of the Department's review for a site-specific WQM Plan amendment. The discharge from the wastewater treatment plant will be regulated through a NJPDES Discharge to Ground Water permit. The treatment plant will be designed to treat all regulated parameters. The permit will require monitoring to ensure that the discharge of pollutants will not violate the Ground Water Quality Standards. No significant impact to well water quantity is anticipated as the wastewater is not being exported out of the region but is to be discharged onsite, thereby providing recharge of the groundwater.

Property Taxes

COMMENT: The commenter expressed concern over the potential impact of the proposed warehouse on increasing property taxes and decreasing property values. (2)

RESPONSE: The issue raised is beyond the scope of the Department's authority under the WQM Planning rules and is not addressed through the amendment process. It may be evaluated and addressed by other local and state agencies through the review of needed approvals and/or permits.

Farmland

COMMENT: The commenter expressed concern over the loss of more farmland and open space. The commenter stated that the property was previously zoned as agriculture, borders on

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preserved farmland, and that the state map shows this land as being designated in a rural area.

(4)

RESPONSE: The Department acknowledges the commenter's concerns; however, the issues raised are beyond the scope of the Department's authority under the WQM Planning rules and are not addressed through the amendment process. The WQMP Program does not determine where development projects should occur or the nature of the projects. The role of the WQMP 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. As discussed above, Carneys Point Township granted Use and Bulk Variances for the project and Preliminary and Final Major Site Plan Approval. The Department believes the commenter is referring to the State Development and Redevelopment Plan (SDRP) map. The SDRP is a non-regulatory document with its goals being implemented through other programs. While the WQM Planning Rule supports implementation of the SDRP, the WQMP rules do not restrict the delineation of sewer service areas in rural State planning areas with the exception of CAFRA Coastal Fringe, Coastal Rural, and Coastal Environmentally Sensitive Planning Areas, pursuant to N.J.A.C. 7:15-4.4(f).

Bald Eagle Habitat and Wildlife

COMMENT: The commenters expressed concern that the proposed project would adversely affect wildlife, with one commenter specifically identifying concern for eagle foraging habitat. (4, 5)

RESPONSE: As discussed above, the project site had been identified as containing areas mapped as bald eagle (Rank 4) habitat on the Department's Landscape Project Version 3.3 Maps, mostly

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associated with the onsite wetlands; however, these areas were evaluated by the Department and determined not to be habitat or were not within the SSA. Additionally, Landscape Project Version 3.4 was released on January 6, 2025, and no longer shows bald eagle habitat Rank 3, 4 or 5 on the project site.

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.

3/10/2025

Date

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