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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

Adopted Amendment to The Tri-County Water Quality Management Plan

Public Notice

Take notice that on **May 18, 2018**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.5), the Department of Environmental Protection (Department) adopted an amendment (Program Interest No. 435433, Activity No. AMD170001) to the Tri-County Water Quality Management Plan (WQMP). This amendment, submitted by DW Smith Associates, LLC, on behalf of Team Campus Phase II, LLC, expands the Bordentown Sewerage Authority sewer service area (SSA) by 15.17 acres to include a portion of Block 58, Lots 36 and 37 in Bordentown Township, Burlington County. The proposed project, identified as Bordentown Team Campus Phase II, LLC, consists of six buildings totaling 37,200 square feet of retail space and 139,840 square feet of office space, along US Highway 130, south of the intersection Highbridge Road/Old Highbridge Road, north of where US Highways 206 and 130 merge in Bordentown Township. Preliminary notice was published in the New Jersey Register on March 19, 2018 at 50 N.J.R. 1063(a). No comments were received during the comment period.

Pursuant to N.J.A.C. 7:15-4.4(d), sewer service may only be provided to areas that are not identified as environmentally sensitive areas (ESAs), certain coastal planning areas, or areas

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subject to US Environmental Protection Agency (EPA) 201 Facilities Plan grant conditions, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l).

Pursuant to N.J.A.C. 7:15-4.4(e), ESAs are any contiguous area, based on a composite Geographic Information System (GIS) analysis, of 25 acres or larger consisting of any of the following features alone or in combination: areas mapped as threatened and endangered wildlife species habitat as identified on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife (Landscape Maps) as Rank 3, 4, or 5; Natural Heritage Priority Sites; Category One waters designated in the Department's Surface Water Quality Standard, N.J.A.C. 7:9B, based on the Department's maps of such waters and their corresponding 300-foot riparian zone based upon the Flood Hazard Area Control Act Rules, N.J.A.C 7: 13; and wetlands as mapped pursuant to N.J.S.A. 13:19A-1 and 13:9B-25.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as threatened and endangered wildlife species habitat identified pursuant to N.J.A.C. 7:15-4.4(e)1. Areas identified by the Landscape Maps as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), Rank 4 (State endangered), or Rank 5 (Federal endangered or threatened) are not to be included in proposed SSAs except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as threatened or endangered wildlife habitat pursuant to N.J.A.C. 7:15-4.4(e)1, the Department utilized its Landscape Maps, version 3.3 at <http://www.nj.gov/dep/gis/listall.html>. There is no mapped threatened or endangered species habitat within the proposed SSA.

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Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as Natural Heritage Priority sites identified pursuant to N.J.A.C. 7:15-4.4(e)2. Areas mapped as Natural Heritage Priority Sites are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as Natural Heritage Priority Sites pursuant to N.J.A.C. 7:15 4.4(e)2, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There is no mapped Natural Heritage Priorities within the proposed SSA.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3. Areas identified as Category One waters and their corresponding 300-foot riparian zones are not to be included in SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There are no mapped Category One waters within the proposed SSA.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4. Areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. While there were previously isolated wetlands on the

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property, those wetlands were both filled in a prior phase of construction on the property, and do not extend to the proposed SSA.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as coastal planning areas pursuant to N.J.A.C. 7:15-4.4(f). Areas mapped as Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas are not to be included in SSA, except, as provided under N.J.A.C. 7:15-4.4(f)1 and 2, to abate an existing imminent public health and safety issue, to accommodate infill development or as necessary to create a linear boundary that coincides with recognizable geographic, political, or environmental features depicted in the Department's GIS coverage. To evaluate the existence of any coastal planning areas identified in N.J.A.C. 7:15-4.4(f), the Department evaluated the presence of coastal planning areas identified on the CAFRA Planning Map available at <http://www.nj.gov/dep/gis/install.html>. The proposed sewer service area is not in the coastal planning areas.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as areas subject to 201 Facilities Plan grant conditions pursuant to N.J.A.C. 7:15-4.4(g). Areas with Federal 201 grant limitations that prohibit the extension of sewers into specified ESAs are excluded from SSA, unless documentation can be provided demonstrating that a mapping revision or waiver has been obtained from EPA, as provided under N.J.A.C. 7:15-4.4(g). To evaluate the existence of 201 Facilities Plan grant conditions that prohibit the expansion of SSA to ESAs, the Department reviewed mapped wetlands utilizing its GIS data at <http://www.nj.gov/dep/gis/install.html>, flood plains using the Federal Emergency Management

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Agency (FEMA) flood plain mapping at <https://msc.fema.gov/portal>, and the EPA list of New Jersey Counties with ESA Grant Conditions at <https://www.epa.gov/npdespermits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2>. There are existing 201 Facilities Plan grant conditions for Bordentown Sewerage Authority, which will serve the site. The Bordentown Sewerage Authority will serve this site was funded under the Federal Clean Water Act Section 201 Facilities Plan construction grant program. Accordingly, Bordentown Sewerage Authority is subject to a Federal Environmentally Sensitive Area (ESA) grant condition pursuant to the grant agreement between the Bordentown Sewerage Authority and United States Environmental Protection Agency (USEPA) under project number C34-0607-02. This grant condition prohibits any sewer connections to Federally-funded facilities from any sewage generating structure located on a parcel of property containing wetlands and/or floodplains unless a mapping revision or a waiver is obtained. On October 31, 2017, USEPA issued a grant waiver to Bordentown Sewerage Authority, allowing the project site to connect to Bordentown Sewerage Authority treatment plant.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and (h)2, the Department shall consider in the delineation of areas eligible for sewer service, the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans. The proposed project is within Bordentown's zoned Highway Commercial (HC) District. On January 11, 2018, the Bordentown Township Planning Board granted site plan approval. On January 25, 2018, the Burlington County Department of Economic Planning and Regional Development issued an email stating that the proposed project is consistent with the Route 130/Delaware Corridor Strategic Plan, which Burlington County uses

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as the County Master Plan for this portion of the county. On January 17, 2018, the Zoning Officer of Bordentown Township expressed that the projected is zoned properly and conforms to the Bordentown Township Master Plan. Based on this approval and the incorporated endorsements, the Department has determined that the proposed project is consistent with local zoning and the county and local master plans.

Pursuant to N.J.A.C. 7:15-3.5(j)2, for projects that propose to add 100 or more acres to the SSA, or where the additional SSA would generate 20,000 gallons per day (gpd) or more of wastewater, the applicant must prepare a modification to the wastewater treatment capacity analysis to include the proposed project or activity, pursuant to N.J.A.C. 7:15-4.5(b). The project plans to add 15.17 acres to the SSA, and the projected wastewater flow for the proposed project to be received by Bordentown Black Creek WTP Facility is 17,704 gpd, based on flow calculated pursuant to N.J.A.C. 7:14A-23.3. Therefore, no wastewater treatment capacity analysis is required for this proposed amendment.

N.J.A.C. 7:15-3.5(g)6 requires the applicant to request a written statement of consent from all identified governmental entities, sewerage agencies, and BPU related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, approval of the amendment proposal. Accordingly, the Department instructed the applicant to request written statements of consent from Bordentown Township, Bordentown Sewerage Authority, Burlington County, and Delaware Valley Regional Planning Commission (DVRPC). On March 29, 2018, the Bordentown Sewerage Authority adopted Resolution 2018-27 in support of the proposed amendment. On April 9, 2018, Bordentown Township adopted Resolution No. 2018-99-19 in

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support of the proposed amendment. On April 11, 2018 the Burlington County Board of Chosen Freeholders adopted Official Resolution No. 2018-00165 in support of the proposed amendment. On March 26, 2018, DVRPC confirmed via email that it would not offer a position regarding the proposed amendment.

Sewer service is not guaranteed by this amendment. This amendment represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area 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.

SIGNED _____

Alan Miller, Manager
Office of WRM Coordination
Department of Environmental Protection

May 18, 2018 _____

Date