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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Tri-County Water Quality Management Plan

Public Notice

Take notice that on, July 1, 2019 pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Statewide Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment (Program Interest No. 435433, Activity No. AMD180001) to the Tri-County Water Quality Management Plan. This amendment expands the sewer service area (SSA) of the Burlington Township Sewage Treatment Plant by 37.46 acres to serve a proposed commercial development on a portion of Block 154, Lot 3, Burlington Township, Burlington County. The proposed project, identified as “1920 River Road”, consists of a 523,903 square-foot warehouse building that would generate a projected wastewater flow of 11,425 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3, to be received by the Burlington Township Sewage Treatment Plant (NJPDES Permit #NJ0021709). Preliminary notice was published in the New Jersey Register on March 18, 2019, at 51 N.J.R. 423(a). No comments were received during the comment period.

This amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department’s determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3. 3.3, 3.5, 4.4 and 4.5, as described below.

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In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to modifications of 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 to the SSA 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. The proposed project involves less than 100 acres and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment plant capacity analysis is not required.

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 the Burlington Township Sewage Treatment Plant, Burlington Township, the Delaware Valley Regional Planning Commission and the Burlington County Board of Chosen Freeholders. Burlington Township adopted Resolution 2019-R-113 on May 28, 2019 in support of the proposed amendment. A separate resolution was not required from the Burlington Township Sewage Treatment Plant since it is owned by the Township. The Burlington County Department of Resource Conservation stated in an email dated June 11, 2019 that it would not take a formal position on the proposed amendment. The Delaware Valley Regional Planning Commission declined to respond to the applicant's request for a statement of consent.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSAs, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One waters and their tributaries, or wetlands; coastal planning areas identified under N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions under N.J.A.C. 7:15-4.4(g). The Department conducted an evaluation of the project site using a GIS shapefile provided by

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the applicant compared to the Department's GIS data layers available at <http://www.nj.gov/dep/gis/listall.html> 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) through (g) and made the following findings:

- The Department determined that the expanded SSA does not contain any areas mapped as endangered and threatened wildlife species habitats 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 Category One (C1) waters or their corresponding 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 and 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 the expanded SSA does not contain any wetlands based on the "Wetlands 2012" GIS data layer and confirmed by Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #0306-06-0003.1.
- The Department determined that the expanded SSA does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the "CAFRA Layers" GIS layer in accordance with 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 site based on the USEPA list of New Jersey Counties 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 zoning ordinances and future land uses shown in municipal or county master plans. Burlington Township issued a letter on April 20, 2018 stating that the proposed project is consistent with the Township’s zoning plan and master plan. The Burlington County Department of Resource Conservation issued a letter on October 2, 2018 stating that Burlington County has not adopted a master plan and that the proposed project is not inconsistent with any other county-wide or regional plan adopted by Burlington County.

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 resulting from adoption 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.

7/1/19

SIGNED

Date

Bruce S. Friedman, Director

Division of Water Monitoring and Standards