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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Tri-County Water Quality Management Plan

Take notice that on December 19, 2022, 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” or “NJDEP”) adopted an amendment to the Tri-County Water Quality Management (WQM) Plan. The amendment, identified as the Crossings (Program Interest No. 435433, Activity No. AMD210007), expands the sewer service area (SSA) of the Central Avenue Wastewater Treatment Plant (NJPDES No. NJ0021709) by 4.88 acres to serve three warehouse buildings totaling approximately 1,900,100 square feet (SF) and seven buildings comprised of retail, office, and restaurants totaling approximately 99,470 SF. The project will largely take place within the previously developed and/or disturbed portions of the site inclusive of the former Burlington Center Mall and agricultural fields. While a majority of the site is located within the existing SSA (187 acres), approximately 4.88 acres of the anticipated development area onsite is not located within an NJDEP mapped SSA. The portion of the project site that proposed to be added to the SSA is located on Block 125, Lot 1.01, in Burlington Township, Burlington County, and proposes to generate a projected wastewater flow of 17,625 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

Preliminary notice of this amendment was published in the New Jersey Register on October 17, 2022, at 54 N.J.R. 1985(a). No comments were received during the comment period. This notice

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represents the Department's determination that the amendment is compliant with the applicable 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 Burlington Township, Burlington County Board of County Commissioners, Burlington Township Sewerage Authority, Delaware Valley Regional Planning Commission, and Delaware River Basin Commission. On October 25, 2022, Burlington Township passed Resolution 2022-R-234, consenting to the amendment. The Burlington County Board of County Commissioners, Burlington Township Sewerage Authority, Delaware Valley Regional Planning Commission, and Delaware River Basin Commission did not provide responses to the consent request.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations to the eligible SSAs 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 portion of the project requested to be added to the SSA involves less than 100 acres 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 SSAs, 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

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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:

- Although the project site contains areas mapped as Rank 3 for Barred Owl, 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; however, in accordance with N.J.A.C. 7:15-4.4(e)4, and, pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant has provided a Freshwater Wetlands Letter of Interpretation (LOI)/Line Verification File #0306-20-0001.1 FWW200001 confirming that there are no wetlands within 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

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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).

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 final site plan approval (Resolution No. 2021-11) on September 1, 2021. The Burlington County Planning Department issued a letter dated April 14, 2022, stating that the County has not adopted a Master Plan for development, however, the proposed development is not inconsistent with any other countywide or regional plan adopted by Burlington County.

Sewer service is not guaranteed should this amendment be adopted as 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.

12/19/2022
Date

SIGNED

Madhu Guru, PE, Assistant Director
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Division of Watershed Protection and Restoration
NJ Department of Environmental Protection