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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

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Adopted Amendment to the Tri-County Water Quality Management Plan

Take notice that on December 30, 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) adopted an amendment to the Tri-County Water Quality Management (WQM) Plan. This amendment, identified as Jaindl West Deptford Crown Point Road, aka Lovett Industrial, aka West Deptford Logistic Center (Program Interest No. 435433, Activity No. AMD200006), expands the sewer service area (SSA) of the Gloucester County Utilities Authority Sewage Treatment Plant (GCUA STP) (NJPDES No. NJ0024686) by five acres to serve the proposed construction of a 157,500 square foot (SF) light industrial building consisting of 149,200 SF of warehouse space and 8,300 SF of office space located north of Crown Point

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Road, on portions of Block 333 and Lots 11 and 12, West Deptford, Gloucester County.

Approximately seven acres of the project property were already located within the adopted GCUA SSA prior to this amendment. The project will generate a projected wastewater flow of 13,280 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 November 7, 2022, at 54 N.J.R. 2107(a). No comments were received during the comment period. This notice represents the Department's determination that the amendment complies 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 West Deptford Township, the Gloucester County Board of County Commissioners, GCUA, and the Delaware Valley Regional Planning Commission. On December 7, 2022, the West Deptford Township Committee passed Resolution 2022-342, consenting to the amendment. On December 28, 2022, the Gloucester County Board of County Commissioners adopted a resolution consenting to the amendment. On December 14, 2022, GCUA adopted Resolution 2023-014, consenting to the amendment. In an email dated November 11, 2022, the Delaware Valley Regional Planning Commission stated they would not be issuing a letter of consent for the amendment.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations of 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

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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 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): 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 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 expanded SSA contains endangered and threatened wildlife species habitat Rank 4 for the Bald Eagle based on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife "Landscape Project Data" Version 3.3 GIS data layers. Pursuant to N.J.A.C. 7:15-4.4(j)2, the applicant submitted a Habitat Suitability Determination (HSD), dated January 2022, prepared in accordance with N.J.A.C. 7:15-4.6. The Department reviewed the HSD and concluded that

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though a portion of the expanded SSA falls within a nest buffer, the area is well beyond 1,000 feet from a nest occurrence and is less favorable for use by the species due to its proximity to and sightline distance from existing disturbance (that is, housing, rail line/roadway traffic, etc.) Suitable habitat exists onsite for bald eagles to the west of the expanded SSA, in the woodland, and along the ponded wetland. This wetland area has received an exceptional resource value classification, and the expanded SSA falls beyond the 150-foot wetland transition area of that wetland. As such, the expanded SSA was determined to be compliant with N.J.A.C. 7:15-4.4(e)1, which allows for inclusion of environmentally sensitive areas in the SSA, if located within a Planning Area 1, as defined on the State Plan Policy Map, has been determined by the Department to not be critical to the survival of a local population of the species, and the area to be included in the SSA remains subject to the Department's regulatory permitting programs.

- 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 wetlands are 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,

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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 # 0820-04-0009.1 - Activity Number: FWW190001 confirming that there are no wetlands within the expanded sewer service area.

- 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 N.J.A.C. 7:15-4.4(f).
- The Department determined that there are no applicable 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, and future land uses shown in adopted municipal and county master plans. The project site is zoned M-1, for light manufacturing, thus the amendment proposal was determined to be consistent with land uses allowed by local zoning and the county and local master plans.

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

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

12/30/2022 Signed _____

Date 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