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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LAND MANAGEMENT**

### **OFFICE OF POLICY AND TECHNICAL DEVELOPMENT**

#### **Adopted Amendment to the Tri-County Water Quality Management Plan**

**Take notice** that on February 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 Tri-County Water Quality Management (WQM) Plan. The amendment, identified as “2470 Route 206 Pemberton Warehouse” (Program Interest No. 435433, Activity No. AMD220010) expands the sewer service area (SSA) of the Mount Holly Municipal Utilities Authority (MHMUA) Water Pollution Control Facility (WPCF) (NJPDES No. NJ0024015) by 57.75 acres to serve a 812,500 square feet (SF) building consisting of 772,500 SF of warehouse space and 40,000 SF of office space located on a portion of Block 778, Lot 2.01, in Pemberton Township, Burlington County. The project will generate a projected wastewater flow of 35,175 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:14A-23.3. Based on the information provided in the amendment application, the Department has determined that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15.

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Preliminary notice was published in the New Jersey Register on December 16, 2024, at 56

N.J.R. 2356(a). One comment was received during the public comment period. A summary of the comment and Department response is provided below:

COMMENT: The commentor expressed disapproval of the construction of new warehouses in New Jersey, stating there are already too many, claiming it was not beneficial use of the land and urged the Department to deny the amendment (Jean Public)

RESPONSE TO COMMENT: 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 below. 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.

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 Pemberton Township, Burlington County Board of County Commissioners, and the MHMUA. Both Pemberton Township and the Burlington County Board of County Commissioners did not provide a response to the proposed amendment. The MHMUA adopted Resolution 2024-132 on December 12, 2024, consenting to the proposed amendment.

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 adding 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

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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 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:

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- The Department determined that the expanded SSA contains areas mapped as Rank 3 habitat (Grasslands Birds) and Rank 4 habitat (Bald Eagle Foraging) 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(c)1. Pursuant to N.J.A.C. 7:15-4.6 and 4.7, the applicant submitted a Habitat Suitability Assessment (HSD) and provided crop yield records as submitted to USDA for the preceding five years. Based on this information, the Department determined that the site has been under soybean production during the breeding season of the grassland birds for a sufficient period of time to largely negate the suitability of the onsite habitat for grassland birds and would thus result in insignificant or discountable impacts to any such habitat. Regarding the eagle foraging habitat, the Department concurred with the HSD that the site conditions, mainly the lack of any primary open water, severely limit foraging opportunities for the bald eagle to a level where impacts would be insignificant or discountable.
- 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.

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- 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 # (0329-21-0002.1, Activity Number LLI220002) confirming that no contiguous area of wetlands, alone or in combination with other ESAs, of 25 acres or more are located within the expanded SSA. An area of isolated wetlands less than the 25-acre criteria threshold does exist within the expanded SSA, as well as another wetlands area on the project site but outside of the expanded SSA. The applicant has submitted an application for Freshwater Wetlands general permits (GP) GP7 and GP 11 under File No. 0329-21-0002.1 LUP230002.
- 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 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).

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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 Pemberton Township Planning Board granted Preliminary and Final Major Site Plan approval on February 26, 2024 (Resolution No. P-14-2024). The Burlington County Planning Department issued an email dated February 14, 2024, stating that Burlington County has not adopted a master plan.

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.

2/10/2025

Date



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