

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JANUARY 16, 2024 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LANDMANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Sussex Water Quality Management Plan

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Sussex County Water Quality Management (WQM) Plan in accordance with 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 proposed amendment, identified as the “Diamond Chip Logistics Park” (Program Interest No. 435459, Activity No. AMD220001) is for a proposed onsite discharge to groundwater (DGW) wastewater treatment system to serve a proposed warehouse development. The proposed development consists of two warehouse buildings totaling 698,000 square feet (sq. ft.), which includes 10,000 sq. ft. of office space, for three shifts of 185 warehouse employees per shift, and 85 delivery personnel per day on 48.98 acres of a 69.47-acre parcel, located on Block 12008, Lot 23 in Sparta Township, Sussex County. The project will generate a projected wastewater flow of 10,000 gallons per day (gpd) based on flow calculated in accordance with 7:9A-7.4. The proposed onsite DGW wastewater treatment system will be regulated under a new New Jersey Pollutant Discharge Elimination System (NJPDES) permit. The amendment will also remove 20.49 acres from the currently adopted sewer service area. The site is currently occupied by Sparta Sand and Gravel, which operates under NJPDES permit NJ0098621. This permit will be revoked.

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This notice represents the Department's determination that the proposed 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. 7:15-3.3(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 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 proposed project does not involve any new proposed SSA, will generate less than 20,000 gpd of wastewater flow, and the wastewater is to be treated by a proposed new onsite wastewater treatment facility specifically for this project; therefore, update of the wastewater treatment capacity analysis is not required.

The proposed project is located in the Highlands Region, as defined in the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-7. a. Areas eligible for sewer service in the Highlands Region are defined at N.J.A.C. 7:15-4.4(c). The proposed project is located within the Protection Zone of the Existing Community Zone of the Highlands Planning Area portion of Sparta Township. Sparta Township has not opted to conform with the Highlands Regional Master Plan (RMP) for the Planning Area. However, the Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the RMP and issued a consistency determination on January 10, 2023, in accordance with Executive Order 114. The Highlands Council found that, while the proposed project is located within a Highlands Water Deficit Area, the proposed WQMP amendment is consistent with the Highlands RMP based on the execution of an agreement between the Township and the Highlands Council for development and implementation of a Water Use and Conservation Management Plan.

In accordance with N.J.A.C. 7:15-4.4(c)3, in the Highlands planning areas, for municipalities that do not conform with the Highlands Regional Master Plan, areas eligible for sewer service shall conform to

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4.4(d) and (h). 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:

- The Department determined that the 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 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 project site does contain 300-foot riparian zones associated with 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; however, the 300-foot riparian zone onsite is located within the portion of the adopted SSA to be removed by this amendment.

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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 # (1918-08-0001.1) confirming no contiguous area of wetlands, alone or in combination with other ESAs, of 25 acres or more are located within the SSA that is to remain on the project site. Areas of isolated wetlands less than the 25-acre criteria threshold do exist within the remaining SSA. Approximately 20.49 acres of the currently adopted SSA, largely comprised of wetlands and wetland transition areas, are being removed from the SSA by this amendment. A Conservation Restriction/Easement was previously placed on 4.889 acres on this area, as filed with the Sussex County Clerk, Book 3236, Page 857, pursuant to NJDEP File No. NEA080001-1918-08-001.1
- The Department determined that the 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).

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. Sparta Township issued Resolution No. 21-168, on October 27, 2021, stating the proposed project is consistent with the municipal master plan and local zoning. The Sussex County Board of County Commissioners issued a resolution dated March 3, 2022, stating the proposed

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project is supported by the County Strategic Growth Plan goals and objectives. The Sussex County Policy Advisory Committee issued a resolution on May 11, 2022, stating the proposed project is consistent with the Sussex County Strategic Growth Plan and the Sussex County master plan. The Sussex County Municipal Utilities Authority (SCMUA) issued a resolution on February 16, 2022, in support of the proposed project.

This notice is to inform the public that a plan amendment has been proposed for the Sussex County WQM Plan. All information related to this plan and the proposed amendment is located at:

Sussex County Department of Engineering and Planning
One Spring Street
Newton, New Jersey 07860

AND

New Jersey Department of Environmental Protection
Division of Watershed Protection & Restoration
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Water Quality Management Planning Program
PO Box 420, Mail Code 501-02A
501 East State Street
Trenton, New Jersey 08625-0420

The Department's file is available for inspection between 9:00 A.M. and 4:00 P.M., Monday through Friday, upon request. An appointment to inspect the file must be arranged by calling the Bureau of NJPDES Stormwater Permitting & Water Quality Management at (609) 633-7021.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above or at the email: wqmp.publiccomments@dep.nj.gov and to the County at the following address:

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Ms. Autumn Sylvester

Division of Planning and Economic Development

Sussex County Department of Engineering and Planning

One Spring Street

Newton, New Jersey 07860

Comments should reference Program Interest No. 435459, Activity No. AMD220001 and must be submitted within 30 days of the date of this public notice.

Interested persons may request in writing that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435459, Activity No. AMD220001 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined at N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future issue of the New Jersey Register and the comment period will be extended to 15 days after the Department public hearing. All comments submitted prior to the close of the comment period shall be considered by the county and the Department before making a final decision on the proposed amendment.

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.

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12/1/23

Date

Signed

Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Division of Watershed Protection and Restoration

NJ Department of Environmental Protection