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## **ENVIRONMENTAL PROTECTION**

### **WATERSHED AND LAND MANAGEMENT**

#### **DIVISION OF WATERSHED PROTECTION AND RESTORATION**

##### **Adopted Amendment to the Lower Delaware Water Quality Management Plan**

Take notice that on June 9, 2023, 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 Lower Delaware Water Quality Management (WQM) Plan. The amendment, identified as “Northpoint Pilesgrove Warehouse” (Program Interest No. 435441, Activity No. AMD210003) creates a new discharge to groundwater (DGW) sewer service area (SSA) of 442.28 acres to serve a proposed industrial development consisting of five warehouse buildings and an onsite subsurface sewage disposal system located on Block 45, Lots 1 & 7, in Pilesgrove Township, Salem County. The project will generate a projected wastewater flow of 75,000 gallons per day (gpd) based on flow calculated in accordance with N.J.A.C. 7:9A-7.4.

Preliminary notice of this amendment was published in the New Jersey Register on December 19, 2022, at 54 N.J.R. 2407(a). No comments were received during the comment period. This notice 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 Pilesgrove Township, Woodstown Sewerage Authority, Salem County Board of County Commissioners, and the Delaware Valley Regional Planning Commission. On January 24, 2023, Pilesgrove Township passed Resolution No. 23-016 consenting to the amendment. Woodstown

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Sewerage Authority, Salem County Board of County Commissioners and the Delaware Valley Regional Planning Commission did not provide responses to the consent request.

Pursuant to 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 project involves more than 100 acres and/or would generate more than 20,000 gpd of wastewater flow. However, since the wastewater is to be treated by a new on-site wastewater treatment facility specifically for this project, a 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 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 areas mapped as endangered or threatened wildlife species habitat Rank 4 for bog turtle and Rank 5 for Bald Eagle nest and foraging

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habitat 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. Pursuant to N.J.A.C. 7:15-4.4(j)2, the applicant submitted a Habitat Suitability Determination (HSD) and Habitat Impact Statement (HIA), prepared pursuant to N.J.A.C. 7:15-4.6 and 4.7. For the bog turtle, the documented habitat is of sufficient distance from the project area to not be directly impacted or affected by any secondary impacts associated with the buildings or associated stormwater management facilities. No habitat important to the maintenance of the known population occurs onsite. As a result, the Department concluded that the project would have insignificant or discountable effects on bog turtle. Regarding the bald eagle, the project footprint is of sufficient distance from the known nest locations to not have any direct impacts to these critical areas. Due to the agricultural nature of the onsite habitat, there is no perch habitat or wooded roost habitat onsite that could be used by fledglings from these nests. Based on the site's habitat characteristics it was determined that any impacts to bald eagle nest habitat would be insignificant or discountable. As for bald eagle foraging habitat, a review of onsite conditions show that only agricultural lands would be directly affected by this development and the facility itself will have limited secondary impacts on the core foraging habitat associated with the forested lands along the Salem River. However, due to the proximate location of at least two eagle nests, the Salem River and associated forest habitat, is a critical component of regional eagle habitat and maintenance of the 300-foot foraging habitat buffer is a primary focus of any habitat conservation evaluation. In accordance with N.J.A.C. 7:15-4.4(k)3 and 4.7(e)1ii, in order to ensure appropriate habitat protection is maintained into the future, a Department-approved conservation easement has been placed on the 150- foot wetland transition area and associated onsite wetlands. The conservation easement area shall be preserved in its natural state and activities that inhibit, or might inhibit, the natural succession

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of vegetation are prohibited. Such action will allow for unvegetated areas of the wetland buffer to succeed into a more vegetated state over time, improving both the water quality and habitat functions of this feature. With implementation of these conservation measures, the Department concluded the project would result in insignificant or discountable impacts to the onsite bald eagle foraging habitat. Pursuant to N.J.A.C. 7:15-4.4(k)3, the conservation easement has been executed, filed and recorded with the Salem County Clerk and proof of recordation of the deed restriction was provided to the Department on May 25, 2023.

- 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, 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 #1709-02-0001.3, issued on 3/23/2022, confirming that there are no wetlands within the expanded sewer service area.
- 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).

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- 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 proposed project is consistent with the local zoning and Master Plan. Phase I of the project received preliminary major site plan approval as discussed in a letter by the Township Zoning Officer dated June 22, 2022. In an email, dated September 28, 2022, the Salem County Planning Department stated that the proposed project is consistent with the Salem County Master Plan.

Sewer service is not guaranteed by the adoption of this amendment 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.

6/9/2023

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