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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Adopted Amendment to the Mercer County Water Quality Management Plan

Take notice that on April 19, 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) adopted an amendment to the Mercer County Water Quality Management (WQM) Plan. This amendment, identified as the “Dynamic-Hilco Warehouse”, (Program Interest No. 435452, Activity No. AMD210001) expands the sewer service area (SSA) of the Trenton Sewer Utility (NJPDES No. NJ0020923) by 2.19 acres on a portion of Block 2506, Lot 8 in Hamilton Township, Mercer County for a proposed warehouse facility. The project received a prior WQM Plan amendment approval on September 28, 2020 (Program Interest Number 435452, Activity Number AMD 190001). Following the amendment approval, a Freshwater Wetlands GP4 permit was issued to fill 2.19 acres of an ordinary resource isolated wetland on site. The isolated wetlands area had not been included in the SSA of the original WQM Plan amendment. It is the prior isolated wetlands area that is the subject of this amendment. The prior amendment addressed the total wastewater flow of the entire proposed project, so no additional flow is proposed as part of this amendment.

A preliminary notice of this amendment was published in the New Jersey Register on

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October 3, 2022, at 54 N.J.R. 1930(a) and a public hearing was held by Mercer County, as the Designated Planning Agency, on November 9, 2022. 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 a written statement of consent from Hamilton Township, and Trenton Sewer Utility; both declined to respond. In accordance with the Mercer County adopted amendment procedures, the Mercer County Planning Board adopted Resolution No. 2022-04 on December 14, 2022, recommending approval, and the Mercer County Planning Director, on behalf of the County Executive submitted a letter to the Department, dated January 2, 2023, approving of the amendment and recommending Department approval.

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 involves less than 100 acres and as discussed above, no additional wastewater is proposed as part of this amendment; therefore, an 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 SSA, except as otherwise provided at N.J.A.C. 7:15-4.4(i), (j), (k), and (l): environmentally sensitive

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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 <http://www.nj.gov/dep/gis/listall.html> 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 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

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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 #1103-02-0019.1 FWW190001) 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. As discussed above, the expanded SSA area which is the subject of this amendment was an isolated wetland that has been filled, in accordance with a Freshwater Wetlands General Permit (FWW GP4 1103-02-0019.5 LUP200001).
- 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).

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

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master plans, and other local land use objectives. Regarding the prior amendment, in a letter dated May 20, 2019, the Township of Hamilton offered no objection to the proposed amendment and the Mercer County Planning Department issued a letter, received by the Department on September 18, 2019, stating that the proposed project is consistent with the Mercer County Master Plan. The overall project has not changed since those letters were issued.

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.

4/19/2023
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