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## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

#### **OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION**

#### **Proposed Amendment to the TRI-COUNTY Water Quality Management Plan**

##### **Public Notice**

**Take notice** that the New Jersey Department of Environmental Protection (Department) seeks public comment on a proposed amendment to the Tri-County Water Quality Management (WQM) Plan. This amendment proposal (Program Interest No. 435433, Activity No. 170001), identified as “Bordentown Team Campus Phase II, LLC,” submitted by DW Smith Associates, LLC, on behalf of Team Campus Phase II, LLC, would expand the sewer service area (SSA) of the Bordentown Sewerage Authority by 15.17 acres. The project includes six proposed buildings totaling 37,200 square feet of retail space and 139,840 square feet of office space along US Highway 130, south of the intersection Highbridge Road/Old Highbridge Road, north of where US Highways 206 and 130 merge in Bordentown Township, Burlington County. The site includes portions of Block 58, Lots 36 and 37. This proposed amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and represents the Department’s decision to proceed further with the amendment application as provided in N.J.A.C. 7:15-3.5(g)5.

Pursuant to N.J.A.C. 7:15-4.4(d), sewer service may only be provided to areas that are not identified as environmentally sensitive areas (ESAs), certain coastal planning areas, or areas subject to US Environmental Protection Agency (EPA) 201 Facilities Plan grant conditions, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l).

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Pursuant to N.J.A.C. 7:15-4.4(e), ESAs are any contiguous area, based on a composite Geographic Information System (GIS) analysis, of 25 acres or larger consisting of any of the following features alone or in combination: areas mapped as threatened and endangered wildlife species habitat as identified on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife (Landscape Maps) as Rank 3, 4, or 5; Natural Heritage Priority Sites; Category One waters designated in the Department's Surface Water Quality Standard, N.J.A.C. 7:9B, based on the Department's maps of such waters and their corresponding 300 foot riparian zone based upon the Flood Hazard Area Control Act Rules, N.J.A.C 7: 13; and wetlands as mapped pursuant to N.J.S.A. 13:19A-1 and 13:9B-25.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as threatened and endangered wildlife species habitat identified pursuant to N.J.A.C. 7:15-4.4(e)1. Areas identified by the Landscape Maps as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), Rank 4 (State endangered), or Rank 5 (Federal endangered or threatened) are not to be included in proposed SSAs except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as threatened or endangered wildlife habitat pursuant to N.J.A.C. 7:15-4.4(e)1, the Department utilized its Landscape Maps, version 3.3 at <http://www.nj.gov/dep/gis/listall.html>. There is no mapped threatened or endangered species habitat within the proposed SSA.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as Natural Heritage Priority sites identified pursuant to N.J.A.C. 7:15-4.4(e)2. Areas mapped as Natural Heritage Priority Sites are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as Natural

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Heritage Priority Sites pursuant to N.J.A.C. 7:15-4.4(e)2, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There is no mapped Natural Heritage Priorities within the proposed SSA.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3. Areas identified as Category One waters and their corresponding 300-foot riparian zones are not to be included in SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There are no mapped Category One waters within the proposed SSA.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as ESAs, such as mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4. Areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. While there were previously isolated wetlands on the property, those wetlands were both filled in a prior phase of construction on the property, and do not extend to the proposed SSA.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as coastal planning areas pursuant to N.J.A.C. 7:15-4.4(f). Areas mapped as Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive

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Planning Areas are not to be included in SSA, except, as provided under N.J.A.C. 7:15-4.4(f)1 and 2, to abate an existing imminent public health and safety issue, to accommodate infill development or as necessary to create a linear boundary that coincides with recognizable geographic, political, or environmental features depicted in the Department's GIS coverage. To evaluate the existence of any coastal planning areas identified in N.J.A.C. 7:15-4.4(f), the Department evaluated the presence of coastal planning areas identified on the CAFRA Planning Map available at <http://www.nj.gov/dep/gis/install.html>. The proposed sewer service area is not in the coastal planning areas.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as areas subject to 201 Facilities Plan grant conditions pursuant to N.J.A.C. 7:15-4.4(g). Areas with Federal 201 grant limitations that prohibit the extension of sewers into specified ESAs are excluded from SSA, unless documentation can be provided demonstrating that a mapping revision or waiver has been obtained from EPA, as provided under N.J.A.C. 7:15-4.4(g). To evaluate the existence of 201 Facilities Plan grant conditions that prohibit the expansion of SSA to ESAs, the Department reviewed mapped wetlands utilizing its GIS data at <http://www.nj.gov/dep/gis/install.html>, flood plains using the Federal Emergency Management Agency (FEMA) flood plain mapping at <https://msc.fema.gov/portal>, and the EPA list of New Jersey Counties with ESA Grant Conditions at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2>. There are existing 201 Facilities Plan grant conditions for Bordentown Sewerage Authority, which will serve the site.

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The Bordentown Sewerage Authority will serve this site was funded under the Federal Clean Water Act Section 201 Facilities Plan construction grant program. Accordingly, Bordentown Sewerage Authority is subject to a Federal Environmentally Sensitive Area (ESA) grant condition pursuant to the grant agreement between the Bordentown Sewerage Authority and United States Environmental Protection Agency (USEPA) under project number C34-0607-02. This grant condition prohibits any sewer connections to Federally-funded facilities from any sewage generating structure located on a parcel of property containing wetlands and/or floodplains unless a mapping revision or a waiver is obtained. On October 31, 2017, USEPA issued a grant waiver to Bordentown Sewerage Authority, allowing the project site to connect to Bordentown Sewerage Authority treatment plant.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and (h)2, the Department shall consider in the delineation of areas eligible for sewer service, the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans. The proposed project is within Bordentown's zoned Highway Commercial (HC) District. On January 11, 2018, the Bordentown Township Planning Board granted site plan approval. On January 25, 2018, the Burlington County Department of Economic Planning and Regional Development issued an email stating that the proposed project is consistent with the Route 130/Delaware Corridor Strategic Plan, which Burlington County uses as the County Master Plan for this portion of the county. On January 17, 2018, the Zoning Officer of Bordentown Township expressed that the projected is zoned properly and conforms to the Bordentown Township Master Plan. Based on this approval and the incorporated endorsements, the Department has determined that the proposed project is consistent with local zoning and the county and local master plans.

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Pursuant to N.J.A.C. 7:15-3.5(j)2, for projects that propose to add 100 or more acres to the SSA, or where the additional SSA would generate 20,000 gallons per day (gpd) or more of wastewater, the applicant must prepare a modification to the wastewater treatment capacity analysis to include the proposed project or activity, pursuant to N.J.A.C. 7:15-4.5(b). The project plans to add 15.17 acres to the SSA, and the projected wastewater flow for the proposed project to be received by Bordentown Black Creek WTP Facility is 17,704 gallons per day (gpd), based on flow calculated pursuant to N.J.A.C. 7:14A-23.3. Therefore, no wastewater treatment capacity analysis is required for this proposed amendment.

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

Delaware Valley Regional Planning Commission (DVRPC)  
190 N. Independence Mall West, 8th Floor,  
Philadelphia, PA 19106-1520

AND

NJ Department of Environmental Protection  
Office of Water Resources Management Coordination  
P.O. Box 420, Mail Code 401-02A  
401 East State Street,  
Trenton, New Jersey 08625-0420

The Department's file is available for inspection through the Open Public Records Act. Requests can be made on-line at <http://www.nj.gov/dep/opra/>.

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**Interested persons** may submit written comments on the proposed amendment to the WQM Program Docket, at the Department address cited above. Comments should reference Program Interest No. 435433, Activity No. 170001 and must be submitted within 30 days of the date of this public notice or within 15 days of the last public hearing, as described below. A copy should be sent to:

Mary Pat Robbie, Director

Burlington County Dept. of Resource Conservation

P.O. Box 6000

Mt. Holly, NJ 08060

AND

Joseph S Lalka, PE

DW Smith Associate, LLC

1450 State Route 34

Wall Township, NJ 07753

**Interested persons** may request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period in this notice. Such request should reference Program Interest No. 435433, Activity No. 170001 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined under N.J.AC. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the WQM Program Docket at the Department address cited above. Should the Department decide to hold a public hearing, notice of said hearing and the revised comment period's closing date will be published in a future New Jersey Register. If a non-adversarial public hearing for the

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amendment is held, the public comment period provided by this notice shall close 15 days after the last public hearing. All comments submitted prior to the close of the comment period shall be considered by Bordentown Sewerage Authority and the Department in reviewing the amendment request.

Sewer service is not guaranteed by this amendment. This proposed amendment represents only one part of the permit process and other issues may need to be addressed. Inclusion in the sewer service area 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.

SIGNED \_\_\_\_\_  
Alan Miller, Manager  
Office of WRM Coordination  
Department of Environmental Protection

February 23, 2018 \_\_\_\_\_  
Date