

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE May 2, 2022, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Upper Delaware Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Upper Delaware 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 “White - 519 Commerce Center” (Program Interest No. 435437, Activity No. AMD210001) would establish an approximately 62 acre discharge to groundwater (DGW) sewer service area (SSA) for a proposed warehouse development to be located on existing Block 7, Lots 3, 4, 5, 11, 14 and 16, in White Township, Warren County. The project parcels total approximately 334 acres. The proposed project consists of two high-cube warehouses, with office space, totaling approximately 2.7 million square feet (sf). The development is proposed in two phases, the 800,000 square foot (sf) White 519 Commerce Center 1, to be located on Block 7, Lot 16, and the 1,859,200 sf White 519 Commerce Center 2, to be located on proposed Lot 5, a proposed subdivision of Lots 3, 4, 5, 11, and 14. The proposed development would be served by

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a proposed onsite DGW wastewater treatment system, which will be regulated under a New Jersey Pollutant Discharge Elimination System (NJPDES) permit. As calculated in accordance with N.J.A.C. 7:14A-23.3, the proposed project will generate a projected wastewater flow of flow of 33,525 gallons per day (gpd) based on a total of 1,033 warehouse employees and 77,000 sf of office space.

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 alternations 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. The project will generate a projected wastewater flow greater than 20,000 gpd; however, as the proposed project will be served by a new onsite DGW treatment system, a wastewater treatment plant capacity analysis update is not required. The proposed DGW system will require a NJPDES individual permit, and the permit applicant shall demonstrate compliance with Ground Water Quality Standards, N.J.A.C. 7:9C, through the permitting process, at that time.

The proposed project is located within in the Highlands Region, as defined in the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-7.a. As delineated in the Highlands Regional Master Plan (RMP), the proposed project is located in the Highlands Planning Area of

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White Township. White Township has not opted to conform with the RMP for its Planning Area. However, in accordance with Executive Order 114 (2008), the Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability provisions of the Highlands Regional Master Plan. On July 27, 2021, the Council issued a letter stating that the proposed project was not located in a deficient HUC and will not cause the HUC to go into deficit, and therefore, the project is not subject to further review by the Council.

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

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- The Department determined that the proposed SSA contains areas mapped as endangered or threatened wildlife species habitat Rank 3 (Grassland Birds) and Rank 4 (Bald Eagle/Foraging) 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. In accordance with N.J.A.C. 7:15-4.4(j)2, the applicant provided a Habitat Suitability Determination (HSD) dated January 31, 2020, prepared by Eastern States Environmental Associates Inc., pursuant to N.J.A.C. 7:14-4.6. The Department reviewed the HSD, considered additional onsite and offsite conditions, and concluded that while suitable bald eagle habitat occurs along the Delaware River, since the proposed location of the buildings, largely in open agricultural fields greater than 2,000 feet from the nearest nesting location, the proposed development would result in insignificant or discountable impacts to the bald eagle foraging and/or nesting areas.

In regard to the potential grassland bird habitat, in order to substantiate that the project property has been actively cultivated for corn and soybean, the applicant furnished the most recent five years of crop yield data as provided to White Township to maintain farmland assessment. The records confirmed the acreage in crop production for the associated yields from 2017 through 2021. Based on this information, the Department determined that the area to be developed has been under corn and/or soybean production 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.

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- The Department determined that the proposed 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 proposed 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. Although the Buckhorn Creek, a C1 waterway, and its associated 300-foot riparian zone, are located on a portion of the project property, neither the C1 waterway nor its 300-foot riparian zone are located within the proposed SSA.
- The Department determined that there are no 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. Additionally, pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation/ Presents Absent Determination, File #2123-20-0002.1 (FWW20001), confirming that there are no wetlands within the proposed SSA.
- The Department determined that the proposed 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 list of New Jersey Grantees

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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. As the proposed project is located within the low-density industrial district zoning it is consistent with the land uses allowed by the municipal zoning of White Township.

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

New Jersey Department of Environmental Protection
Division of Watershed Protection and Restoration
Bureau of NJPDES Stormwater Permitting and Water Quality Management
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.

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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. Comments should reference Program Interest No. 435437, Activity No. AMD210001 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. 435437, Activity No. AMD210001 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 public hearing. All comments submitted prior to the close of the comment period shall be considered by 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.