

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE OCTOBER 3, 2022, 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 LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Mercer County 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 Mercer 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 “Dynamic-Hilco Warehouse” (Program Interest No. 435452, Activity No. AMD210001) would expand the sewer service area (SSA) of the Trenton Sewer Utility (NJPDES No. NJ0020923) by 2.19 acres located 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 and 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.

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.

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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 gallons per day (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 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 proposed 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.

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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.
- The Department determined that there are wetlands located on the overall proposed 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 proposed SSA. As discussed above, the proposed SSA area which is the subject of this amendment was an isolated wetland that has been filled pursuant to a Freshwater Wetlands General Permit (FWW GP4 1103-02-0019.5 LUP200001).
- 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 (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).

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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. 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 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.

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

Mercer County Planning Department

McDade Administration Building

640 South Broad Street

P.O. Box 8068

Trenton, New Jersey 08650-0068

AND

New Jersey Department of Environmental Protection

Division of Watershed Protection and Restoration

Bureau of NJPDES Stormwater Permitting & Water Quality Management Water Quality

Management Planning Program

PO Box 420, Mail Code 501-02A

501 East State Street

Trenton, New Jersey 08625-0420

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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 (609) 633-7021.

Mercer County, as the designated planning agency, requires that a public hearing be held for all WQM plan amendments under its jurisdiction. A public hearing will be held by Mercer County on November 9, 2022, at 9:00 A.M. via Zoom. The public may attend the hearing by using the following link: <https://us02web.zoom.us/j/88050299996>. Alternatively, the hearing can be called into using the following phone number and ID: Phone: +1 312-626-6799, ID: 880 5029 9996. For additional information, please see the Mercer County Planning Board web page at <https://www.mercercounty.org/departments/planning/planning-board>.

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 Mercer County at the following address:

Secretary, Mercer County Planning Board
P.O. Box 8068
Trenton, New Jersey 08650-0068

Comments should reference Program Interest No. 435452, Activity No. AMD210001 and must be submitted within 15 days after the public hearing.

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. 435452, 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-

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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's 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.

SIGNED

8/19/2022

Date

Gabriel Mahon, Bureau Chief
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Division of Watershed Protection and Restoration
NJ Department of Environmental Protection