

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE 12/19/2022 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Lower Delaware Water Quality Management Plan

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Lower Delaware Water Quality Management (WQM) Plan pursuant to 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 “Northpoint Pilesgrove Warehouse” (Program Interest No. 435441, Activity No. AMD210003) would create a new discharge to groundwater (DGW) sewer service area (SSA) of 442.28 acres to serve a proposed industrial development consisting of five (5) 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.

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.

Pursuant to 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 more than 100 acres and/or would generate more than 20,000 gpd of wastewater flow. However,

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE 12/19/2022 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN. since the wastewater is to be treated by a proposed 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 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 contains areas mapped as endangered or threatened wildlife species habitat Rank 4 for bog turtle and Rank 5 for Bald Eagle nest and 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. 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 proposal would have insignificant or discountable effects on bog turtle. Regarding the bald eagle, the project footprint is

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE 12/19/2022 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

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 will be required 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 of vegetation are to be 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 must be executed, filed and recorded with the Salem County Clerk and proof of recordation of the deed restriction must be provided to the Department prior to adoption of the proposed amendment.

- 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 pursuant to N.J.A.C. 7:15-4.4(e)2.

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE 12/19/2022 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

- 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 pursuant to 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 proposed sewer service area.
- 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, pursuant to 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> pursuant to 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.

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE 12/19/2022 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.

This notice is to inform the public that a plan amendment has been proposed for the Lower 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 & Restoration
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Water Quality Management Planning Program
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 (609) 633-7021.

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. 435441, Activity No. AMD210003 and must be submitted within 30 days of the date of this public notice.

<mailto:wqmp.publiccomments@dep.nj.gov>

Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435441, Activity No. AMD210003 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

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE 12/19/2022 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE PROPOSAL, THE OFFICIAL VERSION WILL GOVERN.
public 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.

11/16/2022

Date

SIGNED

Madhu Guru, PE
Assistant Director
Division of Watershed Protection and Restoration
New Jersey Department of Environmental Protection