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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Upper 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 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 Lincoln Logistics Franklin (Program Interest No. 435437, Activity No. AMD210002), would create a new discharge to groundwater (DGW) sewer service area (SSA) of 91.03 acres to serve a proposed industrial development consisting of three warehouse buildings and an onsite subsurface sewage disposal system located on Block 61, Lots 5 and 6, in Franklin Township, Warren County. The project will generate a projected wastewater flow of 16,496 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.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to proposed alterations to the eligible SSAs 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

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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 will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment capacity analysis is not required.

The proposed project is located within 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 property is located within the Conservation Zone – Environmentally Constrained Subzone with a portion in the Conservation Zone and Protection Zone of the Planning Area of the Highlands Region. Franklin Township (Township) has not opted to conform with the Highlands RMP in the Planning Area portion of the Township. However, pursuant to Executive Order No. 114 (2008), the Highlands Council reviewed the proposed amendment for consistency with the Net Water Availability (NWA) Provisions of the RMP. As the project is located within a HUC-14 with an NWA deficit, a condition of the project’s consistency was the development of a Site-Specific Water Deficit Mitigation Plan. The applicant submitted a Site-Specific Water Deficit Mitigation Plan to the Highlands Council on June 11, 2022. The applicant is proposing several water use mitigation measures, including low-flow fixtures, bioretention/infiltration stormwater basins, and planting of drought tolerant, native species. Additionally, Franklin Township will be developing a municipal-wide Water Use and Conservation Management Plan (WUCMP) that will address water uses and implement water conservation measures, to address NWA deficits within the Township. In a letter dated July 28, 2022, the Highlands Council determined that the condition has been met and the project was consistent with the RMP.

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Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSAs, 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 [https://gisdata-njdep.opendata.arcgis.com](https://gisdata.njdep.opendata.arcgis.com) 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 3 for grasshopper sparrow and Rank 4 for bobcat, 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(k), the applicant submitted a Habitat Impact Assessment (HIA), prepared pursuant to N.J.A.C. 7:15-4.7. The Department concurred that the amendment area will result in insignificant and/or discountable impacts to the maintenance of local breeding, resting, and feeding of the endangered and threatened wildlife species. For grasshopper sparrow, based on surveys conducted in surrounding areas, the absence of any site specific species sightings, and crop

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cultivation reports that suggest insufficient levels of suitable habitat to support populations of grassland birds. For bobcat, the Department determined that the proposed project would result in insignificant impacts, as bobcats typically do not utilize areas that are highly altered by agriculture or development.

- 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 there are C1 waters located onsite. The Department’s “Surface Water Quality Standards” GIS data layer indicates that a small portion of the proposed SSA encroaches into the 300-foot riparian zone of the C1 watercourse on site. However, the applicant refuted this finding, pursuant to N.J.A.C.7:15-4.4(j)4, by providing a copy of an FHA Verification issued on January 31, 2022 (File #2105-07-0011.1, LUP210001) that confirms the physical location of the 300-foot riparian zone. After reviewing the FHA Verification and the site plan associated with this amendment, the Department confirmed that the proposed SSA does not encroach into the riparian zone of the subject waterway.
- 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 #2105-07-0011.1 FWW210001, 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

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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 master plans, and other local land use objectives. The Franklin Township attorney issued a letter dated May 5, 2022, stating that the proposed project is an approved use in the Industrial (I) Zone that permits a variety of commercial uses, including warehousing, manufacturing, office, and research facilities. The Warren County Board of County Commissioners issued a letter dated May 10, 2022, stating that they do not comment or seek involvement in municipal land-use applications and/or zoning issues under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

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 & Restoration
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Water Quality Management Planning Program

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PO Box 420, Mail Code 501-02A

501 East State Street

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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 at (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. 435437, Activity No. AMD210002 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. AMD210002 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 Department 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.

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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.

1/11/2023

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