

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

DIVISION OF COASTAL AND LAND USE PLANNING

Adopted Amendment to the Lower Delaware Water Quality Management Plan

Public Notice

Take notice that on **SEP 19 2013**, pursuant to the provisions of the New Jersey Water Quality Planning Act (WQPA), N.J.S.A. 58:11A-1 et seq., the Statewide Water Quality Management (WQM) Planning rules, N.J.A.C. 7:15, and P.L. 2011, c. 203, the New Jersey Department of Environmental Protection (Department) adopted an amendment to the Lower Delaware WQM Plan. This amendment adopts an updated future wastewater service area (FWSA) map for Salem County, correcting the previously proposed FWSA map to exclude from sewer service area (SSA) environmentally sensitive areas (ESAs) that were inadvertently included in SSA on the proposed map and to explicate that Pennsville Township SSA is to remain unchanged from the May 13, 2010, adopted Pennsville Township WMP. Notice of the proposed amendment was published in the New Jersey Register on July 15, 2013, at 45 N.J.R. 1860(a). The public comment period ended on August 14, 2013.

This amendment removes approximately 887 acres of ESAs located in Carneys Point and Oldmans Townships, pursuant to N.J.A.C. 7:15-5.24. More specifically, this amendment removes the following areas from SSA:

Carneys Point:

Approximately 500 acres of wetlands on either side of Hanby and Whooping John Creek on the Dupont Chamber Works site located on Block 185, Lot 1.

Approximately 75 acres of wetlands adjacent to Whooping John Creek tributaries in the area bounded by Shell Road (US Route 130), the Clemente Farm, Interstate 295, and Hawks Bridge Road (Route 140) on Block 193, Lots 4, 4.01, 6, 7, and 13.01.

Approximately 60 acres of wetlands as well as isolated upland areas directly east of Laytons Lake and north of and directly adjacent to the New Jersey Turnpike on Block 233, Lots 9, 10, 11, 12, and 12.02.

Approximately 48 acres of wetlands as well as isolated upland areas bounded by the New Jersey Turnpike, Harding Highway (Route 48), and East Quillytown Road on Block 240, Lot 4, and Block 241, Lots 1, 1.01, 1.02, 1.03, 2, 5, 6, and 9.

Oldmans Township:

Approximately 32 acres of State Threatened Vesper Sparrow habitat northeast of Perkintown Road and northwest of Route 295 on Blocks 29.02, 29.06, and 29.07 as depicted on the most recent versions of Oldmans Township parcel mapping as provided by the Salem County Department of Planning and Agriculture. These areas identify as portions of Block 29, Lots 19, 20, and 21, on the Department's digital mapping data in the layer named "Parcels".

Approximately 25 acres of wetlands directly southeast of Interstate 295 at the periphery of Old Mans Airport site on Block 28, Lots 11, 13, 34, 38, 39, 40, 46, and 47.

Approximately 28 acres of wetlands in an area bordered by Pennsville-Pedricktown Road (Route 601), Straughens Mill Road (Route 643), Beaver Creek and the Kay Gardens subdivision on Block 29, Lots 30, 31, and 33.01.

Approximately 34 acres of wetlands bifurcated by Beaver Creek, east of Straughens Mill Road (Route 643), west of Pedricktown Woodstown Road (Route 602), and northwest of Interstate 295 on Block 28.01, Lots 9, 10, 10.01, 48, 49, and 52.

Approximately 85 acres of freshwater wetlands bounded by Penns Grove Bridgeport Road (U.S. Route 130), Porcupine Road (Route 643), and Penns Grove-Pedricktown Road (Route 642).

Furthermore, as the removal of the aforementioned ESAs results in the isolation of small upland areas on Block 233, Lots 9, 10, 11, 12, and 12.02; Block 240, Lot 4; and Block 241, Lots 1, 1.01, 1.02, 1.03, 2, 5; 6 and 9, in Carneys Point Township, the Department, with the consent of the County, has removed those upland areas from SSA as there are currently no known local planning initiatives requiring that they be included in SSA. However, any party may submit an application to the Department for a site specific amendment or revision, as applicable, to a WQM plan to include any of these isolated upland areas in SSA, in accordance with N.J.A.C. 7:15 and P.L. 2011, c. 203, as applicable.

Additionally, the preliminary notice stated that the proposed map, titled "Future Wastewater Service Areas, Salem County New Jersey" would supersede all wastewater service area mapping currently contained in the WQM Plan for areas within Salem County, including that which was adopted into the WQM Plan as part of approved WMPs. Pennsville Township has a current, up to date WMP, which was adopted May 13, 2010, as indicated in the adoption notice published in the New Jersey Register on June 21, 2010, at 42 N.J.R. 1252(c), and is valid for six years from the date of adoption, which is May 13, 2016, unless otherwise amended. It was the Department's intention at the time of the preliminary notice to reflect that the Pennsville Township SSA would remain unchanged from the May 13, 2010, adopted WMP. While the explanation in the preliminary notice did not clearly and expressly reflect this intention, the SSA delineation for Pennsville Township on the proposed map did accurately reflect the SSA from the May 13, 2010, Pennsville Township WMP. In order to avoid any confusion and to ensure

clarity, the Department is clarifying in this notice that the proposed map would supersede all wastewater service area mapping currently contained in the WQM Plan for areas within Salem County, including that which was adopted into the WQM Plan as part of approved WMPs with the exception of Pennsville Township, which has a current, up to date WMP adopted May 13, 2010, and valid until May 13, 2016, or until otherwise amended. The Department has added a note to the adopted map indicating that the Pennsville Township SSA as adopted in the Pennsville Township WMP is not included as part of the amendment. This mapping correction remains consistent with other county FWSA mapping amendments which do not include current up-to-date WMPs in the FWSA.

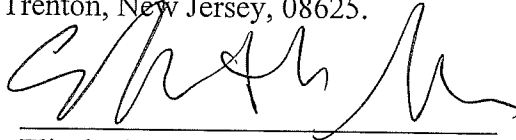
The adopted map, titled "Future Wastewater Service Areas, Salem County New Jersey," supersedes all wastewater service area mapping currently contained in the WQM Plan for areas within Salem County, with the exception of Pennsville Township, which has a current, up to date WMP adopted May 13, 2010, and with the exception of those areas in Carneys Point and Oldmans Townships described above which are ESAs and have been removed from SSA pursuant to the WQM Planning rules at N.J.A.C. 7:15-5.24, as discussed in this notice.

During the comment period, the Department received information submitted by Oldmans Township in response to its request for consent. The Township requests that Block 29.06, Lots 1-26 and Block 29.07, Lots 27-42 (portions of Block 29, Lots 19 and 20 on State Parcel mapping as described above) in Oldmans Township be returned to the SSA as these lots have already been approved by the Township Planning Board for a 42 unit housing development. As described above, the currently undeveloped lots are identified as State Threatened Vesper Sparrow habitat, and pursuant to N.J.A.C. 7:15-5.24, these ESAs have been removed from the SSA. Therefore, the Township's request has not been granted. However, any party may submit an application to the Department for a site specific amendment or revision, as applicable, to a WQM Plan to include or exclude additional areas and/or facilities in accordance with N.J.A.C. 7:15 and P.L. 2011, c. 203,

as applicable. The Department's review will utilize the most current Landscape Project version available at the time the amendment or revision application is submitted.

Adoption of this amendment does not eliminate the need for any permits, approvals, or certifications required by any Federal, State, county, or municipal review agency with jurisdiction over any project/activity. Approval of this amendment does not provide any implied approval for any other aspects of any project or needed permits and approvals. Further, the WQPA and implementing regulations require that full county-wide WMP updates be completed pursuant to the requirements set forth in N.J.A.C. 7:15.

The adopted map is available at the Department, Division of Coastal and Land Use Planning, 401 East State Street, Trenton, New Jersey, 08625.



Elizabeth Semple, Manager
Division of Coastal and Land Use Planning
Department of Environmental Protection

9/19/13

Date