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ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Lower Delaware Water Quality Management Plan

Public Notice

Take notice that on October 1, 2020 pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11- et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, the New Jersey Department of Environmental Protection (Department) adopted an amendment (Program Interest No. 435441, Activity No. AMD190002) to the Lower Delaware Water Quality Management (WQM) Plan. This amendment expands the Landis Sewerage Authority sewer service area (SSA) by 13 acres to serve a proposed industrial building to be located on Block 41, Lot 34, Vineland City, Cumberland County. The project, identified as “Galletto SSA”, consists of a warehouse that is to retain an estimated 100 employees. As calculated in accordance with N.J.A.C. 7:14A-23.3, the facility would generate a projected wastewater flow of 4,000 gallons per day (gpd) to be received by the Landis Sewerage Authority Wastewater Treatment Plant (NJPDES No. NJ0025364).

Preliminary notice of this amendment was published in the New Jersey Register on April 6, 2020, at 52 N.J.R. 807(a). No comments were received during the comment period. This notice represents the Department’s determination that the 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 modifications of 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 must update 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 project involves less than 100 acres

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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 under N.J.A.C. 7:15-4.4(e), as any contiguous area of 25 acres or larger consisting of alone or in combination of endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, 300 foot riparian zone of Category One (C1) waters and their tributaries, or wetlands; coastal planning areas identified under N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions under 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 expanded SSA contains areas mapped as endangered and threatened wildlife species habitat Rank 3 for Barred Owl habitat based on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife "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, to rebut the presumption that the Department's environmental data is accurate, on November 13, 2019, on behalf of the applicant, The Lomax Consulting Group submitted a Habitat Suitability Determination (HSD), prepared pursuant to N.J.A.C. 7:14-4.6. The HSD demonstrated that the area is not suitable habitat for identified endangered or threatened wildlife species. The Department reviewed the HSD and concurred with the findings that the site was not suitable habitat for the Barred Owl due to existing conditions and onsite habitat characteristics, such as the absence of any wetland habitat within the onsite forest and nearby offsite forest. Furthermore, the suitability

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of the habitat associated with the onsite forest is largely negated by the nearby development and roadways adjacent to the project site.

- The Department determined that the expanded 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 expanded 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 N.J.A.C. 7:15-4.4(e)3.
- The Department determined that the expanded SSA does not contain wetlands based on the “Wetlands 2012” GIS data layer in accordance with N.J.A.C. 7:15-4.4(e)4.
- The Department determined that the expanded 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 7:15-4.4(f).
- In accordance with N.J.A.C. 7:15-4.4(g), the Department determined that there are applicable 201 Facilities Plan grant conditions based on the USEPA list of New Jersey Counties with ESA Grant Conditions at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2>. The adopted SSA will convey wastewater to the Landis Sewerage Authority, which is subject to a Federal ESA grant condition included in the grant agreement executed between the Landis Sewerage Authority and the USEPA under Project Number C-34-461-03. The ESA grant condition prohibits any sewer connection to federally-funded facilities from any sewage-generating structure located on a parcel of property containing wetlands or within the 100-year floodplain unless a mapping revision or grant waiver is obtained from USEPA. The SSA

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In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from Landis Sewerage Authority, Vineland City, and the Cumberland County Board of Chosen Freeholders. On March 16, 2020, Landis Sewerage Authority adopted Resolution No. 2020-41 consenting to the proposed amendment. On May 26, 2020, the Cumberland County Board of Chosen Freeholders adopted Resolution 2020-308 consenting to the proposed amendment. Vineland City did not pass any resolution regarding the proposed amendment.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and 2, the Department considered the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans and determined that the expanded SSA is consistent with land uses allowed by local zoning and the county and local master plans.

Sewer service is not guaranteed by adoption of this amendment since 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.

10/1/2020

Date

SIGNED

Kimberly Cenno, Bureau Chief
Bureau of Environmental Analysis, Restoration and Standards
Division of Water Monitoring and Standards