

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE NOVEMBER 2, 2020 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATER RESOURCE MANAGEMENT

DIVISION OF WATER MONITORING AND STANDARDS

Adopted Amendment to the Mercer County Water Quality Management Plan

Public Notice

Take notice that on September 28, 2020 pursuant to the provisions of 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 New Jersey Department of Environmental Protection (Department) adopted an amendment to the Mercer County Water Quality Management (WQM) Plan. This amendment, identified as the **“Dynamic-Hilco Warehouse”** (Program Interest No. 435452, Activity No. AMD190001), expands the sewer service area (SSA) of the Trenton Sewer Utility (NJPDES No. NJ0020923) by 87.10 acres, to serve a proposed warehouse facility located on Block 2506, Lots 6 (portion), 8 (portion), 22, and 27 (portion), Hamilton Township, Mercer County. The proposed project includes a combined 1.2 million square-foot warehouse distribution facility specifically on Lot 8 and will generate a projected wastewater flow of 33,000 gallons per day (gpd), based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

A preliminary notice of this amendment was published in the New Jersey Register on January 6, 2020, at 52 N.J.R. 75(a) and a public hearing was held by Mercer County, as the Designated Planning Agency, on February 12, 2020. No comments were received during the comment period or at the County public hearing. 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.

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In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to alterations 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 proposed project will add less than 100 acres to the SSA, however, will generate more than 20,000 gpd. As such, the Mercer County Wastewater Management Plan Trenton Sewer Utility wastewater treatment capacity analysis was updated. The proposed wastewater flow from this project, and flows of all amendments and revisions adopted subsequent to the analysis in the WMP affecting the Trenton Sewer Utility, were added to the analysis in the WMP. The updated projected wastewater flow to the Trenton Sewer Utility is 12.931 mgd. Currently, the existing flow, calculated in accordance with N.J.A.C. 7:15-4.5(b)1, as the highest consecutive 12-month rolling average during the five-year period preceding the amendment application (March 2014 to March 2019)), is 12.604 million gallons per day (mgd) (Jan 2019- February 2019) based on New Jersey Pollution Discharge Elimination System (NJPDES) Discharge Monitoring Reports reported in DEP Data Miner (<https://www.13.state.nj.us/DataMiner>). The Trenton Sewer Utility is currently permitted to discharge up to 20 mgd under NJPDES permit NJ0020923. Thus, the updated wastewater treatment capacity analysis does not identify a potential capacity deficit for the Trenton Sewer Utility at buildout of its SSA.

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 Hamilton Township, Mercer County, Mercer County Board of Chosen Freeholders, and Trenton Sewer Utility. As a Designated WQM Planning Agency, in accordance with the Mercer County's adopted amendment procedures, the Mercer County Planning Board adopted Resolution No. 2020-03 on May 13, 2020, and the County Executive submitted a letter approving of the proposed amendment dated May 20, 2020.

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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) through (l): environmentally sensitive areas (ESAs) identified under N.J.A.C. 7:15-4.4(e) as endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones of Category One (C1) waters, their tributaries and their corresponding 300 foot riparian zone, 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) through (g) and made the following findings:

- The Department determined that the expanded 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.
- 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 sewer service area does not contain any Category One (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 and 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 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

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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 FWW150001 confirming that there are no wetlands within the expanded sewer service area.

- The Department determined that the expanded sewer service area does not contain any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas mapped on the CAFRA Planning Map based on the “CAFRA Layers” GIS layer in accordance with 7:15-4.4(f).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project site 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> 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 ordinance, future land uses shown in adopted municipal and county master plans, and other local land use objectives . In a letter dated May 20, 2019, the Township of Hamilton offered no objection to the proposed amendment. 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.

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.

____9/28/2020_____
Date

____SIGNED_____
Kimberly Cenno, Bureau Chief

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Bureau of Environmental Analysis, Restoration and Standards
Division of Water Monitoring and Standards