

ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

Adopted Amendment to the Tri-County Water Quality Management Plan

Public Notice

Take notice that on ~~JAN 11 2016~~, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Tri-County WQMP was adopted by the Department of Environmental Protection (Department). This amendment, entitled “Margolis Warehouse”, submitted on behalf of Avis Realty and Re-Development LLC, modifies the Mansfield Township Wastewater Management Plan (WMP) to expand the Burlington City Sewage Treatment Plant (STP) sewer service area (SSA) by 94.61 acres on Block 47.01, Lots 3.02, 9.01, 9.02, 11 and 12, in Mansfield Township, Burlington County. This site was identified in the WMP as a discharge to groundwater SSA for 30,813 gallons per day (gpd). The site was originally approved for a proposed warehouse to be served by an on-site discharge to groundwater treatment plant in the WMP, which was adopted by the Department on November 20, 2012 (see January 7, 2013 New Jersey Register, 45 N.J.R. 57(b)). This amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and P.L. 2011, c.203 as amended and supplemented by P.L 2013, c.188. This notice represents the Department’s determination that the amendment is in compliance with the regulatory criteria pursuant to N.J.A.C. 7:15-5.24 and 5.25.

Adoption of this amendment allows for the construction of a 1,852,738 sq. ft. warehouse distribution facility which would include 92,637 sq. ft. of office space. The project site is located west of the New Jersey Turnpike, east of Interstate 295 and north of Florence Road (Route 656).

Marketing analysis after the prior amendment determined that the current economic development of the project site was better suited for E-Commerce type warehouse distribution which includes a higher number of employees than the traditional warehouse distribution facility that was originally approved. The increase in the number of employees for E-Commerce facilities requires a greater amount of sewer capacity. The proposed project could employ up to 4,429 warehouse employees. The approved 30,813 gpd for on-site discharge to groundwater treatment plant would limit the opportunity to provide E-Commerce type use on the proposed project site. An evaluation of wastewater alternatives determined that the City of Burlington Wastewater Treatment Plant was a viable wastewater disposal alternative for the Margolis Warehouse facility.

The proposed onsite discharge to groundwater treatment plant that was designated in the WMP to serve this property was never built, therefore, this amendment transfers the sewer service for the property from the onsite treatment plant (as specified in the WMP) to the Burlington City STP. This amendment reduces the SSA from that which was previously adopted. The portion of the SSA not being transferred reverts to the Individual Subsurface Sewage Disposal Systems of 2,000 gpd or less (septic area) designation. The Burlington City STP operates under New Jersey Pollutant Discharge Elimination System (NJPDES) permit number NJ0024660. The connection to the Burlington City STP will require the construction of a new force main from the project site to Columbus Road in Burlington City which will be owned and maintained by Mansfield Township. Mansfield Township will restrict any new connections to the force main along its proposed route within Florence and Burlington Townships.

N.J.A.C. 7:15-5.24 identifies several areas that are not to be provided sewer service due to their environmental sensitivity. Pursuant to N.J.A.C. 7:15-5.24(b), ESAs are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One (C1) special water resource protection areas, and wetlands, alone or in combination. These ESA's are not included in the SSA except as noted below.

In accordance with N.J.A.C. 7:15-5.24(b)1, to identify areas designated as threatened or endangered species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, version 3.1. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), 4 (State endangered), and 5 (Federal endangered or threatened) are not to be included in SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the project site has determined that no threatened or endangered species habitat exists on site.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the project site has determined that no Natural Heritage Priority Sites exist on site.

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along Category One waters and their tributaries are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). The Department has determined that no special water resource protection areas along Category One waters or their tributaries exist on the site.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). In accordance with N.J.A.C. 7:15-5.24(e)2, Letter of Interpretation: Line Verification Reissuance File No. 0318-05-0001.1 FWW050001 was provided, confirming the extent of wetlands and transition areas on the site. The above mentioned approval remains valid under the Permit Extension Act at N.J.A.C. 7:1B until June 30, 2016. Freshwater Wetlands General Permits No's 6, 7, 10A, and 11 (File No.'s 0318-05-0001.1 FWW130001-130003) have been approved by the Department, confirming that the extent of wetlands and transition area are accurately delineated on the proposed project activity site and confirming that the proposed project meets the

requirements for approval to disturb regulated areas pursuant to N.J.A.C. 7:7A-4.3, 5.11, 6.2 and 13.1.

Pursuant to N.J.A.C. 7:15-5.24(c), Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Areas shall be excluded from SSA. There are no such areas on the project site.

Pursuant to N.J.A.C. 7:15-5.24(d)1, areas with Federal 201 grant limitations that prohibit the extension of sewers into specified environmentally sensitive areas are excluded from the SSA. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities), which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this amendment and compliance is required.

In addition to the environmentally sensitive areas with Federal 201 grant limitations there are other special restricted areas, not applicable here, which must also be excluded from SSA pursuant to N.J.A.C. 7:15-5.24(d)2 through 4. Specifically, there are no beaches, coastal high hazard areas, or dunes on the project site.

In accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of the project is to be evaluated. However, P.L. 2013, c.188 allows the Department to approve the inclusion of land within a sewer service area notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modifications. Therefore, amendments to expand a sewer service area may be approved if such actions are compliant with the applicable sections of the WQM Planning rules (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. Currently the Burlington City STP (NJ0024660) is permitted to discharge up to 2.7 million gallons per day (mgd). Based on an average of the monthly average flow for the most recent twelve month period for which discharge monitoring data is available, the existing wastewater flow discharged from the Burlington

City STP was calculated to be 1.77 mgd. The projected wastewater flow for the proposed new development, calculated in accordance with N.J.A.C. 7:14A-23.3 is 119,989 gpd.

In accordance with N.J.A.C. 7:15-5.25(h)3 the water supply need for the proposed project has been evaluated. Water supply for the proposed development will be provided by New Jersey American Water Mount Holly (NJAWMH) (PWSID No. 0323001). NJAWMH is a public water system which withdraws water from the Middle Potomac, Raritan, Magothy aquifer. NJAWMH has available water supply limits of 346.140 Million Gallons per Month (MGM) and 2,735.887 Million Gallons per Year (MGY) established by Water Allocation Permits No.'s 5025X and 5378 along with a bulk purchase agreement with New Jersey American Water – Western Division. NJAWMH currently has a water supply surplus of 98.135 MGM and 702.142 MGY. The proposed water demand of the project, calculated in accordance with N.J.A.C. 7:15-5.25(f)1i, is 5.69 MGM; therefore sufficient water supply is currently available to serve the proposed development within the existing water allocation permit.

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater management is to be evaluated. However, P.L. 2013, c. 188 directs that there is a presumption that an engineered subdivision or site plan is not required. Without such information a review and determination of compliance with the Stormwater Management rules (N.J.A.C. 7:8) is not possible. The municipal governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development. Mansfield Township has an adopted stormwater management ordinance (No. 2008-5); see N.J.A.C. 7:8-4. Mansfield Township is also required to implement the N.J.A.C. 7:8 requirements incorporated in the Residential Site Improvement Standards; see N.J.A.C. 5:21-7.

In accordance with N.J.A.C. 5.25(h)5, riparian zones are to be protected. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act Rules, the Stormwater

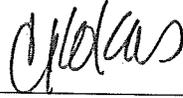
Management rules, and the Water Quality Management Planning rules. A riparian zone of a Crafts Creek tributary, as well as the main stem of the creek, has been identified on the property. The required buffer width for this section of Crafts Creek and its tributary, which are designated FW2-NT, is 150 feet due to the presence of acid producing soils. A Stream Encroachment Permit File No. 0318-05-0001.1 FHA070001 was provided. This permit grants permission to establish stream encroachment lines and to construct nine stormwater basins and a bridge crossing. Issuance of this permit is the Department's determination that the proposed project meets the requirements for approval to disturb regulated areas pursuant to N.J.A.C. 7:13-11. No SSA is proposed within the riparian buffer.

In accordance with N.J.A.C. 7:15-5.25(h)6, proposed development disturbance is not to be located in areas with steep slopes, defined as any slope equal to or greater than 20 percent. Although there are steep slopes on portions of the above referenced lots, the provisions of N.J.A.C. 7:15-5.25(h)6 have been satisfied by the exclusion of these areas from the SSA.

This amendment proposal was noticed in the DEP Bulletin on October 21, 2015 at Volume 39, Issue 20, pages 11-15 and no comments were received during the comment period.

This amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. These issues may include, but are not limited to, the following: compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works; development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules. Approval 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 this project/activity.

Sewer service to any particular project is subject to contractual arrangements between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.



Colleen Kokas
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1-11-16

Date

