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ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

ADOPTED AMENDMENT TO THE TRI-COUNTY WATER QUALITY MANAGEMENT PLAN

Public Notice

Take notice that on May 22, 2017, 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. 7:15-3.5), an amendment (Program Interest No. 435433, Activity No. AMD160006) to the Tri-County Water Quality Management Plan (WQMP) was adopted by the Department of Environmental Protection (Department). This amendment submitted by T&M Associates on behalf of West Deptford Township expands the sewer service area (SSA) of the Gloucester County Utilities Authority by 59.44 acres to allow for the construction of a mixed use development, identified by the applicant as Riverwinds, consisting of: 119 one-bedroom age restricted condominiums, 719 two-bedroom condominiums, 132 three-bedroom townhouses, 14,614 square feet of retail space, one 150 seat restaurant, two 100 seat restaurants, three 50 seat restaurants, a 150 room hotel, a 16,500 square foot conference center, and a 9,376 square foot golf pro shop. The proposed project site is in West Deptford Township, Gloucester County on Block 328/Lots 3.01, 7.01, 7.04 (portion), 7.06 (portion), 7.071, and 7.08 which is located west of Grove Avenue (County Route 643) and east of the Delaware River. Preliminary notice was published in the New Jersey Register on February 21, 2017 at 49 N.J.R. 341(b). No comments were received during the comment period.

This amendment has been reviewed pursuant to the Water Quality Management Planning rules at N.J.A.C. 7:15. This notice represents the Department's determination that the amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.5 and 4.4 and serves as public notice of the Department's final decision pursuant to N.J.A.C. 7:15-3.5(g)11.

Pursuant to N.J.A.C. 7:15-4.4(d), sewer service may only be provided to areas that are not identified as Environmentally Sensitive Areas (ESAs), certain coastal planning areas, or areas subject to US Environmental Protection Agency (EPA) 201 Facilities Plan grant conditions, except as otherwise provided at N.J.A.C. 7:15-4.4(i) through (l).

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Pursuant to N.J.A.C. 7:15-4.4(e), ESAs are any contiguous area, based on a composite Geographic Information System (GIS) analysis, of 25 acres or larger consisting of any of the following features alone or in combination: areas mapped as threatened and endangered wildlife species habitat as identified on the Department's Landscape Maps of Habitat for Endangered, Threatened or Other Priority Wildlife (Landscape Maps) as Rank 3, 4, or 5; areas mapped as Natural Heritage Priority Sites; Category One waters designated in the Department's Surface Water Quality Standard, N.J.A.C. 7:9B, based on the Department's maps of such waters and their corresponding 300-foot riparian zone based upon the Flood Hazard Area Control Act Rules, N.J.A.C 7: 13; and wetlands as mapped pursuant to N.J.S.A. 13:19A-1 and 13:9B-25.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as threatened and endangered wildlife species habitat identified pursuant to N.J.A.C. 7:15-4.4(e)1. Areas identified by the Landscape Maps as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), Rank 4 (State endangered), or Rank 5 (Federal endangered or threatened) are not to be included in proposed SSAs except as provided at N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as threatened or endangered wildlife habitat pursuant to N.J.A.C. 7:15-4.4(e)1, the Department utilized its Landscape Maps, version 3.1, available at <http://www.nj.gov/dep/gis/listall.html>. Review of the proposed project site has determined that a portion of the site is identified as Rank 4 Bald Eagle habitat.

N.J.A.C. 7:15-4.4(j)2 provides that an applicant may rebut the presumption that the Department's environmental data is accurate by providing a Habitat Suitability Determination (HSD) prepared pursuant to N.J.A.C. 7:15-4.6 that demonstrates that an area is not suitable habitat for endangered or threatened wildlife species. On June 23, 2016, the Department received a HSD, prepared by T&M Associates. Review of the HSD determined that the Bald Eagle habitat was suitable habitat due to the presence of various nesting eagles along the upper coastal wetlands boundary of the Delaware River.

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N.J.A.C. 7:15-4.4(k) provides that areas designated as ESA based on Landscape Maps may be included in SSA provided the Department determines that the proposed project or activity avoids the endangered or threatened wildlife species habitat; will result in insignificant or discountable effects on the maintenance or local breeding, resting, or feeding of the species; or includes the implementation of conservation measures that will minimize to the maximum extent practicable all adverse modification of suitable habitat and will mitigate for any such adverse modification. The applicant submitted a modification to the original amendment application on December 7, 2016, which included a reduction in the proposed project. Upon review of the amendment application documents, the Department determined that the inclusion of lots 3.01, 7.01, 7.06, 7.071 and 7.08 in SSA will avoid the Bald Eagle habitat that exists on the site. On lot 7.04, the Department found the areas within 300 feet of the upper coastal wetlands boundary of the Delaware River to be critical foraging habitat to various nesting eagles along the river. On modification of the amendment application, the applicant agreed to exclude this buffer area from proposed SSA to ensure that the human associated development and associated direct and secondary impacts will be minimized on, or avoid, this critical foraging habitat area.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as Natural Heritage Priority sites identified pursuant to N.J.A.C. 7:15-4.4(e)2. Areas mapped as Natural Heritage Priority Sites are not to be included in proposed SSAs, except as provided at N.J.A.C. 7:15-4.4(i) through (l). To evaluate areas mapped as Natural Heritage Priority Sites, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html>. There are no Natural Heritage Priority sites located on the subject site.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3. Areas identified as Category One waters and their corresponding 300-foot riparian zones are not to be included in SSAs, except as provided at N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of Category One waters and their corresponding 300-foot riparian zones pursuant to N.J.A.C. 7:15-4.4(e)3, the Department utilized its GIS data at

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<http://www.nj.gov/dep/gis/listall.html>. There are no Category One waters or corresponding 300-foot riparian zones located on the subject site.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as environmentally sensitive areas, such as mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4. Areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in proposed SSAs, except as provided at N.J.A.C. 7:15-4.4(i) through (l). To evaluate the existence of mapped wetlands pursuant to N.J.A.C. 7:15-4.4(e)4, the Department utilized its GIS data at <http://www.nj.gov/dep/gis/listall.html> and identified mapped wetlands on the subject site. Pursuant to N.J.A.C. 7:15-4.4(j)3, the applicant provided Letter of Interpretation/Line Verification Extension File No. 0820-01-1002.2 FWW160001 (LOI), confirming the extent of wetlands and transition areas on the site. The LOI identified a 50-foot transition area, as well as the 300-foot coastal wetlands boundary that includes the Bald Eagle habitat discussed above. These areas, in which disturbance shall not occur, may be reduced consistent with buffer averaging as per a transition area averaging plan should one be approved by the Department pursuant to N.J.A.C. 7:7A-6.2 and 13.1. In addition, the applicant may be applying to the Department for the following: a Coastal Wetlands Permit (for a storm water outfall) pursuant to N.J.A.C. 7:7-2.3, a Freshwater Wetlands General Permit No. 11 (for a storm water outfall) pursuant to N.J.A.C. 7:7A-5.11 and 13.1 and for In Water and Upland Waterfront Development Permits pursuant to N.J.A.C. 7:7-2.4.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as coastal planning areas pursuant to N.J.A.C. 7:15-4.4(f). Areas mapped as Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas are not to be included in SSA, except, as provided under N.J.A.C. 7:15-4.4(f)1 and 2 to abate an existing imminent public health and safety issue, to accommodate infill development or as necessary to create a linear boundary that coincides with recognizable geographic, political, or environmental features depicted in the Department's GIS coverage. To evaluate the existence of any coastal planning areas identified in N.J.A.C. 7:15-4.4(f), the Department evaluated the presence of coastal planning areas identified on the CAFRA Planning Map

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available at <http://www.nj.gov/dep/gis/install.html>. The subject site is not located within any Coastal Fringe Planning Areas, Coastal Rural Planning Areas, or Coastal Environmentally Sensitive Planning Areas.

Pursuant to N.J.A.C. 7:15-4.4(d), areas shall only be eligible for SSA if they are not identified as areas subject to 201 Facilities Plan grant conditions pursuant to N.J.A.C. 7:15-4.4(g). Areas with Federal 201 grant limitations that prohibit the extension of sewers into specified ESAs are excluded from SSA, unless documentation can be provided demonstrating that a mapping revision or waiver has been obtained from EPA, as provided under N.J.A.C. 7:15-4.4(g). To evaluate the existence of 201 Facilities Plan grant conditions that prohibit the expansion of SSA to ESAs, the Department reviewed the EPA list of New Jersey Counties with ESA Grant Conditions at <https://www3.epa.gov/region02/water/sewer.html>. There are no 201 Facilities Plan grant conditions for the proposed site.

Pursuant to N.J.A.C. 7:15-4.4(h)1 and (h)2, the Department shall consider in the delineation of areas eligible for sewer service, the land uses allowed in zoning ordinances and future land uses shown in municipal or county master plans. The proposed project is consistent with the local zoning ordinance and the county and local master plans.

Pursuant to N.J.A.C. 7:15-3.5(j)2, for projects that propose to add 100 or more acres to the SSA, or where the additional SSA would generate 20,000 gallons per day (gpd) or more of wastewater, the applicant must prepare a modification to the wastewater treatment capacity analysis to include the proposed project or activity, pursuant to N.J.A.C. 7:15-4.5(b). The proposed project plans to add 59.44 acres to the SSA and the projected wastewater flow for the proposed project, anticipated to be received by the Gloucester County Utilities Authority, is 247,264 gpd based on flow calculations in accordance with N.J.A.C. 7:14A-23.3. The Gloucester County Utilities Authority Sewage Treatment Plant is currently permitted to discharge up to 27 Million Gallons per Day (MGD) under New Jersey Pollutant Discharge Elimination System (NJPDES) permit NJ0024686. Based on an average of the monthly average flow from NJPDES Discharge Monitoring Reports for the twelve-month period of December 2015 to November 2016, the existing wastewater flow discharged from the Gloucester County Utilities Authority Sewage Treatment

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Plant was calculated to be 16.87 MGD. Therefore, the additional flow should not cause the facility to exceed its permitted capacity.

N.J.A.C. 7:15-3.5(g)6 requires the applicant to request a written statement of consent from all identified governmental entities, sewerage agencies, and BPU related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, approval of the amendment proposal. Accordingly, the Department instructed the applicant to request written statements of consent from the Gloucester County Utilities Authority (GCUA), the West Deptford Township Council, the Gloucester County Board of Chosen Freeholders, and the Delaware Valley Regional Planning Commission (DVRPC). On February 8, 2017 GCUA adopted Resolution 2017-067 in support of the proposed amendment. On February 1, 2017, the West Deptford Township Council adopted Resolution 2017-93 in support of the proposed amendment. On February 15, 2017, the Gloucester County Board of Chosen Freeholders adopted a resolution in support of the proposed amendment. On February 6, 2017, DVRPC issued an email to the applicant acknowledging receipt of the request for written consent and a copy of the proposed amendment. However, DVRPC declined to state a formal position in support or in objection to the proposed amendment. In April 2016, DVRPC issued a letter to the Department renouncing DVRPC's responsibility as the Designated Planning Agency (DPA) for review of WQMP actions, and requesting that the Department de-designate DVRPC as a DPA. The Department is evaluating methods with which to grant DVRPC's request.

Sewer service is not guaranteed by this amendment. This amendment represents only one part of the permit process and other issues may need to be addressed. These issues may include, but are not limited to, obtaining all permits for the proposed projects; meeting all regulatory requirements for needed permits, 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 law or to any contractual arrangements between municipalities, authorities and/or private parties. Inclusion in the sewer service area as a result of the approval of this amendment does not eliminate the need to obtain all

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necessary permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.

SIGNED

Colleen Kokas, Director
Office of WRM Coordination
Department of Environmental Protection
May 22, 2017

Date