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## **ENVIRONMENTAL PROTECTION**

### **WATER RESOURCE MANAGEMENT**

#### **DIVISION OF WATER MONITORING AND STANDARDS**

##### **Adopted Amendment to the Tri-County Water Quality Management Plan**

###### **Public Notice**

Take notice that on **April 16, 2021**, 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 Tri-County Water Quality Management (WQM) Plan. This amendment, identified as “Wellington Farms Redevelopment” (Program Interest No. 435433, Activity No. AMD190002), expands the sewer service area (SSA) of the Mount Holly Municipal Utilities Authority (MUA) by 2.2 acres for a proposed development on Block 22, Lot 8.01 (portion), Lumberton Township, Burlington County. A portion of the project site is already in the adopted SSA and the inclusion of nine residential units not in the SSA that would generate a projected wastewater flow of 2,700 gallons per day (gpd) to be received by the Mount Holly Water Pollution Control Facility New Jersey Pollution Discharge Elimination System (NJPDES) Permit No. NJ0024015, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

Preliminary notice of this amendment was published in the New Jersey Register on February 3, 2020, at 52 N.J.R. 167(a). No comments were received during the comment period. This notice represents the Department’s determination that the amendment is compliant with the 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 alterations of the eligible sewer service area 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 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 and will generate less than 20,000 gpd of wastewater; therefore, update of the wastewater treatment capacity analysis is not required.

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 Mount Holly MUA, Lumberton Township, Delaware Valley Regional Planning (DVRPC) and Burlington County Department of Resource Conservation. Lumberton Township passed Resolution No.2020-149 on October 1, 2020 consenting to the amendment. The Mounty Holly MUA passed Resolution 2020-111 on November 12, 2020 consenting to the amendment. The Burlington County Department of Resource Conservation declined to respond to the applicant's request for a resolution of consent. As the Designated Planning Agency, the DVRPC declined to comment/issue a resolution on the project.

Pursuant to N.J.A.C. 7:15-4.4(d), the following are not eligible for delineation as SSA, 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 any of the following, alone or in combination: endangered or threatened wildlife species habitat, Natural Heritage Priority Sites, riparian zones 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 sewer service does contain areas mapped as Rank 3 and Rank 4 endangered or threatened wildlife species habitat for Bobolink and Barred Owl 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. However, based upon a habitat suitability determination prepared pursuant to N.J.A.C. 7:15-4.6, the Department determined that the expanded SSA does not feature suitable habitat for Bobolink due to active agricultural use which has resulted in vegetated communities that are unsuitable for the species. The parcel is at best marginal habitat for the Barred Owl due to the fact that much of the surrounding land is already in the sewer service area; thus, inclusion of the small additional land will not result in any adverse impacts to endangered or threatened species.
- The Department determined that the expanded sewer service area 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 N.J.A.C. 7:15-4.4(j)3, the applicant provided a Freshwater Wetlands Letter of Interpretation (LOI): Line Verification File #0317-04-0003.2 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, or 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 201 Facilities Plan grant conditions (C-34-382) 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). There are no wetlands within the expanded sewer service area that will be impacted by this project. 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.

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 sewer service area 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 resulting from adoption 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.

4/16/21  
Date

SIGNED  
Kimberly Cenno, Bureau Chief

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