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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**WATER AND LAND MANAGEMENT**

**DIVISION OF WATERSHED PROTECTION AND RESTORATION**

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

**Public Notice**

**Take notice** that on March 18, 2022, 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 the “2020 Industrial at Mansfield”, (Program Interest No. 435433, Activity No. AMD200004), establishes a new 43.7-acre sewer service area (SSA) for a proposed commercial development on Block 59, Lot 7.01, Mansfield Township, Burlington County. The proposed project consists of a 610,183 square feet (SF) warehouse of which 15,000 SF is office space. The square footage differs from what was in the preliminary notice and is based on the approval of the local planning board. The adjustment in the square footage created an insignificant increase of five gallons per day in the flow projection. The project will generate a projected wastewater flow of 11,325 gallons per day (gpd), based on flow calculated in accordance with N.J.A.C. 7:9A-7.4. The wastewater is to be treated by a new subsurface sewage disposal system, regulated under New Jersey Pollutant Discharge Elimination System (NJPDES) Program permit number NJ0316181.

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This notice represents the Department's determination that the proposed 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 proposed alterations to 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 shall include a proposed modification to 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 involves less than 100 acres and will generate less than 20,000 gpd of wastewater flow; therefore, update of the wastewater treatment capacity analysis is not required.

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 pursuant to 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 at N.J.A.C. 7:15-4.4(f); and ESAs subject to 201 Facilities Plan grant conditions pursuant to 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

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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 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 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 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 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 No. 0318-11-0001.2, Activity No. FWW20001, confirming that there are no contiguous area of wetlands, alone or in combination with other ESAs, of 25 acres or more located within the proposed SSA.

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- The Department determined that the 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 N.J.A.C. 7:15-4.4(f).
- The Department determined that there are no 201 Facilities Plan grant conditions applicable to the project based on the U.S. Environmental Protection Agency (USEPA) list of New Jersey Grantees 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 ordinances, future land uses shown in adopted municipal and county master plans, and other local land use objectives. The Burlington County Planning Board conditionally approved the project site plan on August 11, 2020, as provided in a letter dated August 19, 2020. On June 17, 2020, the Township Committee of Mansfield Township adopted Resolution 2020-7 that designated the site, known as the Jones Farm Study Area, as a non-condemnation area in need of redevelopment, and adopted a redevelopment plan for the site. The Township granted approval for this project on December 28, 2020, Resolution 2020-12-21.

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request a written statement of consent from Burlington County, Mansfield Township and Delaware Valley Regional Planning Commission (DVRPC). Mansfield Township passed

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Resolution #2021-7-20 consenting to the proposed Amendment on July 21, 2021. Burlington County and DVRPC elected not to respond to the request for a statement of consent.

This amendment proposal was noticed in the New Jersey Register (NJR) on June 21, 2021, at 53 N.J.R. 1119(a) and due to technical difficulties was also in the NJR on October 4, 2021, at 53 N.J.R. 1740(b) to re-open the public comment period. The following individuals provided comments on this amendment during the comment periods.

1. Francis Carpino, Resident
2. Abigail Hemmes, Resident
3. Jeffrey M. Liwacz, Resident
4. Kristan Marter, Resident
5. John O'Callaghan, Friends of Crystal Lake Park and concerned citizen
6. Mary Pakan, Resident
7. Katherine Tallon, President, Crafts Creek Spring Hill Brook Watershed Association
8. Craig Wilke, Florence Township Mayor
9. Dawn Patterson, Resident

A summary of the comments and the Department responses follows. The number(s) in parentheses after each comment identifies the respective commenter listed above.

1. COMMENT: The project is located in critical habitat for threatened and endangered species as identified in the Township of Mansfield's Environmental Resource Inventory (MERI). (7, 9)

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2. COMMENT: The Department should use information contained in the MERI as part of its review. During the time period that the Jones Farm was approved for redevelopment by the Mansfield Township Committee, the Township's Environmental Commission (EC) had been terminated; the EC has since been reinstated. (7)

3. COMMENT: In the MERI, it discusses the flaws of building near steep slopes in the area, and addresses Aquifer Recharge Areas (\*page 54). We are also concerned with the findings of the test wells that were at the approximate location of the planned wastewater system at this site. (7)

4. COMMENT: The proposed lighting required at the site (bright lights 24 hours per day/7 days per week) will impact the nearby ecosystem and migrating bird populations, particularly the Atlantic flyway and the habitat of other creatures that use the creek ecosystem. (6)

5. COMMENT: Commenters expressed opposition to the proposed development and particularly question the variances and lack of environmental impacts analysis that were granted to allow the project. (1, 3)

6. COMMENT: The zoning is inconsistent with the MERI/Master Plan which indicates the area as environmentally sensitive. The County 2005 Growth and Preservation Plan, which was adopted by Mansfield in 2012, indicates this area to be rezoned as a PA5/PA4b zone. The current zoning

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of Light Industrial does not align with this plan. This property is the only property in Mansfield in this vicinity that is zoned Light Industrial, the remainder being zoned for residential and commercial. The proposed use on this parcel is inconsistent and inappropriate given these factors. (5)

7. COMMENT: Commenters request denial of the WQM amendment to avoid potential environmental impacts to the surrounding area. (5, 8)

8. COMMENT: The proximity of the project is relative to a park that has a body of water that leads to a recently designated C-1 waterway. (7)

RESPONSE TO COMMENTS 1 THROUGH 8: The WQM Planning program reviews projects containing wastewater generating structures in coordination and consistency with other regional, local and governmental planning agencies. Regarding the impacts to environmentally sensitive areas, the Department must review projects pursuant to its regulatory authority and rules and reviewed the amendment proposal in accordance with the N.J.A.C. 7:15-4.4. The Department's review concluded that the SSA does not contain any contiguous area of 25 acres or larger consisting of any of the following, alone or in combination:

- 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

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other Priority Wildlife based on the “Landscape Project Data” Version 3.3 GIS data layers,

- Areas mapped as Natural Heritage Priority Sites based on the “Natural Heritage Priority Sites” GIS data layer,
- 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, and
- Wetlands.

The referenced MERI is a 2007 document, which may not reflect current conditions. The Department's review of this proposal was based on the most recently available data.

The Department acknowledges the commenters’ concern regarding the impacts of the proposed lighting, development on steep slopes and within aquifer recharge areas; however, evaluation of these impacts is beyond the scope of the Department’s authority under the WQM Planning rules. Development and lighting design criteria is governed by the local municipal zoning. The County 2005 Growth and Preservation Plan was never adopted by the municipalities and, thus, does not impact the project. However, the management of stormwater runoff from this project is subject to the requirements of the Stormwater Management rules at N.J.A.C. 7:8, which includes, but is not limited to, aquifer recharge. See the Response to Comments 30 and 31 below for additional discussion regarding the aquifer recharge as it relates to stormwater management.

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Regarding the test wells, the Department believes the commenter is referring to the wells installed to acquire hydrogeologic data as part of the NJPDES-DGW application. The wells were for gathering data for the location and sizing of the disposal field. It was determined that the soils and geology of the site were able to support the proposed discharge. See the Response to Comments 15 through 18 below for additional discussion regarding the subsurface sewage disposal system.

Additionally, on June 17, 2020, the Township Committee of Mansfield Township adopted Resolution 2020-7 that designated the site, known as the Jones Farm Study Area, as a non-condemnation area in need of redevelopment, and adopted a redevelopment plan for the site. The proposed warehouse is located in the Light Industrial Zone (LI) as well as the Jones Farm Redevelopment Area. The Township granted approval for this project under Resolution 2020-12-21 on December 28, 2020. The Burlington County Planning Board conditionally approved the project site plan on August 11, 2020. The amendment proposal was reviewed and determined to be in compliance with the applicable regulatory criteria pursuant to the WQM Planning rules, N.J.A.C. 7:15. In addition, inclusion in the sewer service area 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. The WQM Planning analysis represents only one part of the permitting process and other issues that may need to be addressed will be captured through the respective permitting programs, as regulatory authority permits.

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9. COMMENT: The Delaware River is tidal; so is Crafts Creek. The letter references only freshwater wetlands. NJ-GeoWeb shows tidelands claim lines extending beyond the freshwater wetland limits. Has this been considered in review of the plans? What is the required buffer for construction near tidal wetlands? (6)

10. COMMENT: Has the Flood Hazard Area shown on the development plans been verified by NJDEP? (6)

11. COMMENT: Have the limits to the riparian zone and any required or sensible buffers for the adjacent Crafts Creek been reviewed by NJDEP? (6)

12. COMMENT: Since the Delaware River and Crafts Creek are tidal, would this development require a Waterfront Development Permit since it is “near” a tidal or navigable waterway in the State of NJ? (6)

RESPONSE TO COMMENTS 9 THROUGH 12: The project was evaluated pursuant to the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) and the Coastal Zone Management Rules (N.J.A.C. 7.7.) As a result of those reviews, the Department issued the Flood Hazard permit, Freshwater Wetlands Permits, and the Upland Waterfront Development Individual Permit for this project on June 15, 2021.

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The Flood Hazard Area Verification, issued on June 15, 2021 (File No. 0318-11-0001.2 LUP200001) verified the limits of a 150' wide riparian zones on the property. An unnamed tributary to Crafts Creek is located within the project site, and a second unnamed tributary to Crafts Creek is located to the west of the project site. The unnamed tributary located within the project site drains approximately 100 acres; therefore, it has a flood hazard area, floodway, and riparian zone. The Department determined that the proposed development was located outside of the flood hazard area; therefore, a formal delineation of the flood hazard area was not required. The unnamed tributary to the west of the site drains approximately 12 acres; therefore, it does not have a regulated flood hazard area or floodway.

Despite the fact that the nearby watercourses are tidally influenced, the wetlands onsite are still regulated pursuant to the Freshwater Wetlands Protection Act Rules, as noted above. Additionally, the Department determined that the transition area, or buffer, from these wetlands is 50 feet.

The regulations of Tidelands are overseen by the Tidelands Resource Council, a board of twelve Governor-appointed volunteers, along with the Department staff at the Bureau of Tidelands Management. The State of New Jersey claims ownership of these tidelands and holds them in trust for the people of the state. If there is development proposed in the Tidelands, a Tidelands License would be required.

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13. COMMENT: A 500-foot offset from the high-water line is indicated, and the proposed site work is beyond that. Should the governing line instead be 300 feet landward from the top of banks of Crafts Creek? (6)

RESPONSE: Both the 500-foot and 300-foot boundaries are applicable to the project site under separate regulations. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13, a 300-foot riparian zone extends from the top of bank of any Category One water and its upstream tributaries located within the same HUC-14. Additionally, under the Coastal Zone Management Rules at N.J.A.C. 7:7, the New Jersey coastal zone includes "all lands outside of the CAFRA area extending from the mean high water line of a tidal water body to the first paved public road, railroad, or surveyable property line existing on September 26, 1980, generally parallel to the waterway, provided that the landward boundary of the upland area shall be no less than 100 feet and no more than 500 feet from the mean high water line." Since this site is located outside the CAFRA area and no paved public roadway exists on the site that would reduce it, the jurisdictional area for the Coastal Zone Management Rules extends out to 500 feet from the mean high-water line (MHWL).

14. COMMENT: Variances granted by the township allow a 70-80% impervious coverage for this project. (1, 2, 3, 4, 5)

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RESPONSE: A review of the Upland Waterfront Development Permit issued on July 15, 2021, demonstrated that only 1.15% of the net land area within 500' of the MHWL would be impervious cover. The Coastal Zone Management Rules allow for up to 70% impervious coverage in this situation (high development intensity in a forested area). Impervious coverage proposed beyond 500' of the MHWL is not factored into this determination and any variances issued pursuant to the Municipal Land Use Law for the total project's impervious coverage percentage is beyond the scope of the Department's review. However, the entire proposed project was required to be included in the calculations to demonstrate compliance with the Stormwater Management rules at N.J.A.C. 7:8, which was also reviewed and approved by the Department under the Upland Waterfront Development Permit. As discussed throughout this document, inclusion in the sewer service area 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.

15. COMMENT: A new sewerage treatment facility should not be developed in this area and is not identified in the Wastewater Management Plan. (2,4)

16. COMMENT: Has the developer demonstrated that unacceptable levels of fecal coliform and phosphorous will not occur in the stream due to the construction, use, and life cycle of the subsurface wastewater treatment plant proposed in such close proximity to Crafts Creek? The

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land was farmed commercially and has already contributed to elevated levels of phosphorous and fecal coliform. The soils are considered hydric and are indicative of a fluctuating groundwater table level. (6)

17. COMMENT: Since wetlands exist on the site it could indicate a high-water table which may cause the proposed drainage system and drainage field for the proposed subsurface discharge treatment plant to not function. The soil at this site is designated as hydric. (6)

18. COMMENT: Pollutants are expected to leak from the site that may or may not be treated by the facility. (6)

RESPONSE TO COMMENTS 15 THROUGH 18: Evaluation of the quality of discharge from the proposed on-site wastewater treatment plant is beyond the scope of the Department's review for a site-specific amendment to the Water Quality Management Plan. The discharge from the wastewater treatment plant is regulated through NJPDES Discharge to Ground Water permit #NJ0316181. The treatment plant is designed to treat for all parameters of concern and will meet Ground Water Quality Standards (GWQS), except for fecal coliform, prior to discharge. Fecal coliform will be reduced to 200 counts per 100 mL and the unsaturated zone under the subsurface disposal bed will treat the remainder to ensure GWQS are met. The permit requires sampling of the quality of effluent from the system to ensure that the discharge of pollutants will not violate the GWQS. Sampling is required for flow rate (continuous sampling with a

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11,325 gallon per day limit), total nitrogen as NO<sub>3</sub> and NH<sub>3</sub> (monthly sampling with a limit of 10 mg/L), pH (monthly sampling no limit but must be reported), fecal coliform (monthly sampling with a limit of 200 counts per 100 mL), and volatile organics, PFOA, PFNA, and PFOS (each with yearly sampling, no limit is set but they should not be detected. If detected, they must be removed from the waste stream.)

19. COMMENT: The developer and Mansfield Township are not following the TMDLs, particularly those for phosphorus and fecal coliform. (6,9)

RESPONSE: While there are several TMDLs identified in the Department's Total Maximum Daily Load (TMDL) Look-Up Tool (see <https://www.nj.gov/dep/dwq/msrp-tmdl-rh.htm>) that encompass Mansfield Township, the TMDLs do not identify specific requirements to address nonpoint source loading that this project would be required to comply with. Further, this project location is not contained in the watershed of the phosphorus or fecal coliform TMDLs.

20.COMMENT: The zoning is currently based on a redevelopment plan which declared this active farmland as blighted and in need of redevelopment, a misinterpretation and misapplication of the State's Redevelopment laws. This action is inconsistent with pending legislation at the State to disallow redevelopment on active farmland. (5, 7)

RESPONSE: As already mentioned in Response to Comments 1 through 8 above, on June 17, 2020, the Township Committee of Mansfield Township adopted Resolution 2020-7 that designated the site, known as the Jones Farm Study Area, as a non-condemnation area in need

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of redevelopment, and adopted a redevelopment plan for the site. The Township granted approval for this project under Resolution 2020-12-21 on December 28, 2020. Review of projects is done in compliance with the rules and regulations in effect at the time of review. The Department is unable to regulate based upon potential laws or regulations which may or may not be adopted in the future. Thus, the Department cannot consider potential amendments until such legislation is adopted.

21. COMMENT: The proposed project site usage is inconsistent with the State initiative to keep areas less than 1 square mile, with a population of less than 1000, pristine, and that given the proposed redevelopment area is such an area and considered an environmentally sensitive area puts this matter in a situation where the state Planning Area incentives are recommended. (5, 7)

RESPONSE: The Department believes the commenters are referring to the State Planning Commission (SPC) mapping criteria, of which one criterion is that an individual planning area should be no less than approximately 1 square mile in size. The designation of the various planning areas also considers the underlying land use and population density across the planning area. These considerations were taken into account by the SPC when they mapped the area as a Suburban Planning Area (PA2). Designation of this site as SSA does not appear to be inconsistent with the planning area designation of the SPC of the site.

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22. COMMENT: The development plans, although shared with the Township of Florence, were never presented to Florence residents for review and comment. As such, any proposal to modify this development plan without formal review by Florence residents (including a public comment period) should be considered incomplete. (6)

23. COMMENT: This zoning has the potential to harm the public in neighboring towns, and the impact to the greater area (Florence, Roebling and Mansfield) has to be taken into consideration. (5)

RESPONSE TO COMMENTS 22 AND 23: This WQM Planning process provided a public comment period for the general public. An opportunity for public comment on the Flood Hazard and Waterfront Development Permits was also sent to property owners within 200 feet of the property boundary. Opportunity for public comment on the local approval was provided in compliance with Municipal Land Use Law.

24. COMMENT: Mansfield has a history of problems with approving stormwater infrastructure dating back to at least 2011, which the local watershed association and your office have reported on, and which Mansfield has done little about. (5)

25. COMMENT: Mansfield Township is not following its Municipal Stormwater Management Plan appropriately. (5)

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RESPONSE TO COMMENTS 24 AND 25: Pursuant to its Municipal Separate Storm Sewer System (MS4) permit issued by the Department, Mansfield Township is required to develop, update, implement and enforce a stormwater management program to address post construction stormwater runoff in new development and redevelopment and to ensure compliance with the Stormwater Management rules at N.J.A.C. 7:8 for projects that meet the definition of "Major Development." This is achieved through its Municipal Stormwater Management Plan (MSWMP) and stormwater control ordinance, which are both required pursuant to N.J.A.C. 7:8-4 and must be at least as stringent as the requirements contained within the Stormwater Management rules. By approving this project under Resolution 2020-12-21, Mansfield Township has determined that the project's overall design and stormwater management system comply with their MSWMP and stormwater control ordinance. In addition, as part of the review process for the permits noted in Response to Comments 9 through 12, the Department determined that the development complies with the New Jersey Stormwater Management rules at N.J.A.C. 7:8. Specifically, this will be achieved through the use of two wet ponds, a detention basin, an infiltration basin, a manufactured treatment device, and pervious paving systems.

As noted above, the Department determined that this proposed project complies with the Stormwater Management rules and that Mansfield Township did not inappropriately approve the stormwater system. However, the public can report any specific cases of future non-compliance to the Department by calling its hotline at 1-877-WARN-DEP. The Department

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was unable to determine what was the commenter was referring to in the statement that said NJDEP had reported on problems approving stormwater infrastructure in Mansfield Township.

26. COMMENT: The Crafts Creek culvert at Route 130 has been noted by the North Atlantic Aquatic Connectivity Collaborative (a network of individuals from agencies and organizations focused on improving aquatic connectivity across a thirteen-state region) as important but not yet surveyed. Sedimentation at or near this pinch point culvert, or upstream of it may degrade this stream's ability to sustain fish migration. (6)

27. COMMENT: Detention basins and their sand filter systems need to be designed to meet water quality standards as they will treat stormwater runoff to Crafts Creek from the proposed development. (6)

28. COMMENT: What will the proposed site development contribute to the sediment load of Craft's Creek and Delaware River? (6)

29. COMMENT: Millions of dollars in EPA Superfund Cleanup funding spent to restore Crafts Creek will be wasted by the effects of polluted stormwater runoff from this project. (8)

RESPONSE TO COMMENTS 26 THROUGH 29: As discussed in the Response to Comments 24 and 25 above, the project was reviewed by both Mansfield Township and the Department, and it was determined that the project design complies with the applicable stormwater management

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standards. Specifically, it was required that the site's stormwater management measures be designed to reduce the post-construction load of total suspended solids generated by the Water Quality Design Storm, which is 1.25 inches of rainfall in two hours, by eighty percent.

In addition to the post-construction stormwater management requirements, the project must also comply with the construction site stormwater management requirements, which apply during the active construction phase of the project. Construction site stormwater management is overseen by the local soil conservation district in partnership with the Department and approvals from both agencies will be required. These approvals will require measures to prevent sediment from leaving the site during the active construction of the project.

As a result of both the construction and post construction stormwater management requirements, the project's stormwater discharge will not be a significant contributor of sediment to Craft's Creek.

30. COMMENT: Covering this much property with impervious surface, in an area that actually recharges our aquifer, is of great concern for our drinking water. (4)

31. COMMENT: This strip of properties, from Block 59 Lot 7.01 down to Block 49 Block 4.01, is the one area left to recharge the aquifers. The adjacent area has had increasing flooding problem with climate change and development in the surrounding area over the last decade. By adding this type of invasive development, this one recharge area will be reduced by 25-30

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percent, and has an opportunity to flood further, having potential effects on: the safe operation of Route 130; the safety of surrounding homes in Florence, Mansfield and Roebling; the future high-density housing development on Block 70 Lot 7.02; Crystal Lake Park and surrounding C1 streams; and the Delaware itself. (5)

RESPONSE TO COMMENTS 30 AND 31: As discussed in Response to Comments 24 and 25, and as part of the review process for the permits noted in Response to Comments 9 through 12, the Department determined that the development complies with the New Jersey Stormwater Management rules at N.J.A.C. 7:8. This included a determination that the average annual groundwater recharge across the site would not be reduced as a result of the project, when considering the effects of the proposed stormwater management system. For further response regarding flooding, please see Response to Comments 32 through 36 below.

32. COMMENT: There is a current flooding problem in the Crafts Creek area including on private property, the highway, and downstream in Florence Township and the increased stormwater runoff from the project will cause even more flooding. (1, 2, 3, 4, 6, 8)

33. COMMENT: This should be evaluated for a range of expected storm events and consider when numerous rain events occur (like this summer) over a short period of time when the basins are still holding water, and overflow can occur. (6)

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34. COMMENT: Have these impacts to flooding from increased storm drainage and overland flow to Crafts Creek been analyzed, particularly upstream of the Rt. 130 culvert as it provides a pinch point for the flow to the Delaware River? (6)

35. COMMENT: There is significant flooding in this area each and every time it rains, and not just in heavy rains, but every rain. The removal of surrounding farmland and woods for the proposed project will exacerbate current flooding issue, which will flood homes in the neighborhood. The commenter additionally included photographs to support the claim that there is an existing flooding problem. (2)

36. COMMENT: What will be the expected increase in flow to Crafts Creek during and shortly after rain events due to drainage from proposed detention basins, increased flow discharged from the site to local storm drains that flow to Crafts Creek, or increased overland flow due to impervious surface increases to the developed site? (6)

RESPONSE TO COMMENTS 32 THROUGH 36: As noted in Response to Comments 24 and 25, the Department determined that the development complies with the New Jersey Stormwater Management rules at N.J.A.C. 7:8. This included a determination that the peak flowrates of stormwater runoff leaving the site for the 2, 10, and 100-year storms will be reduced from existing conditions by at least 50%, 25%, and 20%, respectively, for those three storm events. Further, in order to prevent overflows resulting from several rain events in a relatively short

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time period, the Department requires that all stormwater detention facilities drain within 72 hours.

37. COMMENT: The area in question has experienced an incredible amount of rainfall during the month of July 2021, including one rain event where about 6 inches of rain fell in a couple of hours. It is requested that NJDEP review the rain data for the month of July 2021 in the area to determine what, if any, upgrades are necessary to the proposed Jones Farm redevelopment site to mitigate runoff if the proposal is approved, including during construction and management of stormwater going forward. (7)

RESPONSE: As described in the Response to Comments 32 through 36, the Department's Stormwater Management rules require that major development projects control the stormwater runoff from the 2, 10, and 100-year storms. These rules do not require that major development projects control flows from specific historic storms. As also discussed in response to comments 24 and 25, the Township and the State have determined that the stormwater management system was designed in accordance with the Stormwater Management rules. Nonetheless, the Department reviewed available historic precipitation records for Mansfield Township from July 1 through 31 of 2021, from both the National Oceanic and Atmospheric Administration (NOAA) website (<https://www.ncdc.noaa.gov/cdo-web/>) and the Rutgers NJ Weather Website ([www.njweather.org](http://www.njweather.org).) Neither showed rainfall records exceeding 3 inches of rainfall in any given day during that period at the weather stations in the area. However,

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NOAA's storm event database did show a record of a flash flood occurring in the area on July 12, 2021. The narrative associated with the flash flood record stated, "rainfall totals up to 5 to 8 inches occurred in far northwestern Burlington County." Since the post-construction stormwater management system was design to manage a total of 8.81 inches of rainfall, it would have been adequately sized to manage the historical rainfall from July of 2021 (based on the data reviewed by the Department noted above.)

Similarly, the stormwater standards for construction sites do not require analysis of historic rainfall events. However, unlike the post-construction stormwater management system, these systems are generally only designed to manage the 2 and 10-year storms, and not the 100-year. So, in this case, the construction stormwater management system would have been required to manage up to 5.18 inches. While this would not have been sufficient to entirely manage the volume of stormwater from the upper end of the range of rainfall noted in the narrative associated with the flash flood record, it is not required to be sized to do so and would have been adequate to manage the rainfall totals obtained from the weather stations in the area.

38. COMMENT: The project will impact traffic and the highway system. The warehouse will contribute more unnecessary traffic to an already overburdened intersection. Warehouse development of the site was not accounted for in the NJDOT concept development process, concluded in March 2021, to flesh out potential solutions to the traffic and congestion issues in

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the area. Allowing a new SSA on the site will facilitate the construction of more warehouses that will negatively affect the highway system. (8)

RESPONSE: The impact of the proposed development on traffic is beyond the scope of the Department's authority under the WQM Plan rules and is not addressed though the amendment process. According to Burlington County, the project is consistent with the County Highway Master Plan.

Sewer service is not guaranteed should this amendment be adopted as 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.

3/18/2022  
Date



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Gabriel Mahon, Bureau Chief  
Bureau of NJPDES Stormwater Permitting and Water Quality Management  
Division of Watershed Protection and Restoration  
NJ Department of Environmental Protection