

NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT ADOPTION. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE FEBRUARY 6, 2023 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION, THE OFFICIAL VERSION WILL GOVERN.

**PUBLIC NOTICE**

**ENVIRONMENTAL PROTECTION**

**WATERSHED AND LAND MANAGEMENT**

**DIVISION OF WATERSHED PROTECTION AND RESTORATION**

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

**Take notice** that on January 5, 2023, 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 Duke Realty (Program Interest No. 435433, Activity No. AMD220003), expands the sewer service area (SSA) of the Gloucester County Utilities Authority Sewage Treatment Plant (GCUA STP) (NJPDES No. NJ0024686) by 12.7 acres on portions of Block 103, Lots 19, 20, and 21, East Greenwich Township, Gloucester County. Lots 20.01 and 21.01 are part of the project, but already fully within the SSA. The expanded SSA will allow for the development of a proposed 836,720 square foot of warehouse development that will include 19,500 square feet of office space and 310 warehouse employees. As calculated in accordance with N.J.A.C. 7:14A-23.3, the project will generate a projected wastewater flow of 25,200 gallons per day (gpd) to be received by the GCUA STP.

Preliminary notice of this amendment was published in the New Jersey Register on October 3, 2022, at 54 N.J.R. 1928(a). No comments were received during the comment period.

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This notice represents the Department's determination that the amendment complies with the applicable regulatory criteria at N.J.A.C. 7:15, as described below.

In accordance with N.J.A.C. 7:15-3.5(g)6, the Department instructed the applicant to request written statements of consent from East Greenwich Township, the Gloucester County Board of County Commissioners, GCUA, the Delaware River Basin Commission, and the Delaware Valley Regional Planning Commission. On November 22, 2022, the East Greenwich Township Committee passed Resolution 200-2022, consenting to the amendment. On October 19, 2022, the Gloucester County Board of County Commissioners adopted a resolution consenting to the amendment. On December 14, 2022, GCUA adopted Resolution 2023-010, consenting to the amendment. In an email dated October 27, 2022, the Delaware River Basin Commission stated they would not be providing a resolution for the amendment. In an email dated November 29, 2022, the Delaware Valley Regional Planning Commission stated they would not be issuing a letter of consent for the amendment.

In accordance with N.J.A.C. 7:15-3.3(b), site specific amendments are limited to alterations of the eligible SSAs 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 but will generate more than 20,000 gpd of wastewater. In accordance with N.J.A.C. 7:15-4.5(b)1, the existing wastewater flow at the GCUA STP, calculated as the highest consecutive 12-month rolling average during the five-year period preceding the amendment application

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(April 2017 to March 2022), was determined to be 21.794 million gallons per day (mgd)

(August 2018 to July 2019) based on NJPDES Discharge Monitoring Reports reported in the DEP DataMiner (<https://njems.nj.gov/DataMiner>). The GCUA STP is currently permitted to discharge up to 27 MGD pursuant to NJPDES Permit No. NJ0024686. As such, the GCUA STP currently has capacity for the proposed project.

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), (j), (k), and (l): 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 <https://gisdata-njdep.opendata.arcgis.com> 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 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.

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- 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 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 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/Line Verification (File #0803-03-0005.5/FWW200001) confirming that no contiguous areas of wetlands, alone, or in combination with other ESAs, of 25 acres or more, are located within the expanded SSA. Areas of isolated wetlands less than the 25-acre criteria threshold do exist within the expanded SSA.
- The Department determined that the expanded SSA 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 N.J.A.C. 7:15-4.4(f).
- In accordance with N.J.A.C. 7:15-4.4(g), the Department determined that there are no applicable 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

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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 zoning ordinances and future land uses shown in municipal or county master plans and determined that the expanded SSA is consistent with land uses allowed by local zoning and the county and local master plans. As the proposed project is located within the industrial zoning district and Community Commercial Overlay District, it is consistent with the land uses allowed by the municipal zoning of East Greenwich Township. On October 18, 2022, the East Greenwich Township Combined Planning/Zoning Board of Adjustment adopted Resolution 2022-17, granting Preliminary and Final Major Site Plan approval. Gloucester County issued a letter on May 13, 2022, stating that the project is consistent with the Gloucester County Development Management Plan's goals.

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.

1/5/2023

Date



Gabriel Mahon, Bureau Chief

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Division of Watershed Protection and Restoration

NJ Department of Environmental Protection