

RESOLUTION NO. 2024- 253

A RESOLUTION CONSENTING TO THE PROPOSED
LOWER DELAWARE WATER QUALITY MANAGEMENT
(WQM) PLAN AMENDMENT.

WHEREAS, the City of Vineland desires to provide for the orderly development of wastewater facilities within the City; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment services areas, as well as related subjects, conform with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment tentatively scheduled to be publicly notice in the New Jersey Register on July 1, 2024, for Trout National-The Reserve GC, Block 7503 Lot 35.02 and Block 7701 Lot 4.01 on the City of Vineland Tax Map (PI435441, AMD230005) has been prepared by Dynamic Engineering Consultants and reviewed by the City Planning Division; and

WHEREAS, the New Jersey Water Quality Management Planning rule, at N.J.A.C. 7:15-3.5(g) requires that an amendment application receive a written statement of consent in the form of a Resolution from the Governing Body; and

WHEREAS, the City Council of the City of Vineland finds it to be in the best interest of the City to provide such consent.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vineland as follows:

1. The City of Vineland hereby consents to the Trout National-The Reserve GC amendment prepared by Dynamic Engineering Consultants, tentatively scheduled to be publicly noticed in the New Jersey register on July 1, 2024, for the purpose of incorporation into the applicable WQM plan(s).
2. This Resolution of Consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)(6).

Adopted:

President of Council

ATTEST:

City Clerk

June 5, 2024

Robert Dickenson, Business Administrator
City of Vineland - City Hall
640 E. Wood Street
P.O. Box 1508
Vineland, New Jersey 08362-1508

Re: Trout National – The Reserve GC
Block 7503/Lot 35.02 & Block 7701, Lot 4.01, Vineland City
PI435441, AMD230005
Proposed Amendment to the Lower Delaware Water Quality Management Plan (WQMP)
Request for Consent Resolution

Via Certified Mail Return Receipt Requested

Dear Mr. Dickenson:

As you know, I am land use counsel for the Trout National – The Reserve golf course project being constructed on Block 7503, Lot 35.02 and Block 7701, Lot 4.01, Vineland. The purpose of this letter is to request a written statement of consent from the City of Vineland for the above-cited proposed WQMP amendment. The New Jersey Water Quality Management Planning rule, at N.J.A.C. 7:15-3.5(g), requires that an amendment applicant 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 purpose of this letter is to request a written statement of consent from the City of Vineland in support of the attached amendment proposal.

A statement of consent by a governmental unit shall be in the form of a resolution by that unit's governing body. The written statement of consent is required within 60 days of your receipt of this letter. Enclosed as an aid to you to ensure that the resolution is satisfactorily worded, is a "model" resolution provided by the DEP. For ease of reference and clarification as to the areas of Block 7503, Lot 35.02 and Block 7701, Lot 4.01 being added to sewer service area, to service proposed sewer generating structures for the project, I am also enclosing a key map showing the project site, the currently adopted sewer service area and the proposed sewer areas to be added. Additionally, as required by DEP, I am enclosing a copy of the public notice tentatively scheduled to be published in the New Jersey Register on July 1, 2024.

Should you determine that the governing body does not support the amendment proposal, it may submit a resolution to that effect, which shall specify the reasons why the amendment proposal is not supported.

A copy of the adopted resolution should be sent to me as well as to the New Jersey Department of Environmental Protection, Bureau of NJPDES Stormwater Permitting and Water Quality Management,

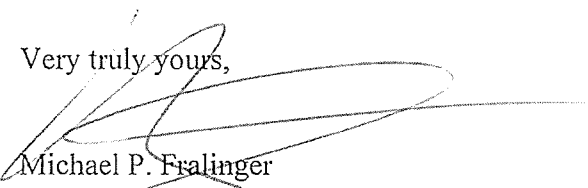
P.O. Box 420, Mail Code 501-02A, 501 East State Street, Trenton, New Jersey 08625-0420.

Please be advised that if you do not submit the requested resolution, the NJDEP retains the option to adopt the proposed amendment without your resolution for consideration. Therefore, it is in your best interest to submit a resolution defining your position so that the Department may fully consider the impacts to all affected and substantially interested entities in its decision regarding adoption of the amendment proposal.

If you have any questions on this matter, please feel free to contact me directly at (856) 765-9088 ext. 109.

Thank you for your courtesies in the matter.

Very truly yours,



Michael P. Fralinger

Enc.: Sample Resolution
Map
Public Notice

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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Lower Delaware Water Quality Management Plan

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Lower Delaware Water Quality Management (WQM) Plan in accordance with 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 proposed amendment, identified as “Trout National – The Reserve Golf Course” (Program Interest No. 435441 Activity No. AMD230005) would expand the sewer service area (SSA) of the Landis Sewerage Authority (NJPDES No. NJ0025364) by 10.98 acres to serve multiple buildings within a golf course resort, including club houses, a restaurant, a performance center, training facilities, maintenance buildings, a halfway house, member cottages, and associated site amenities, located on portions of Block 7503/Lot 35.02 and Block 7701/Lot 4.01, in Vineland City, Cumberland County. The project will generate a total projected wastewater flow of 16,693 gallons per day (gpd), of which 14,733 gpd is from the proposed sewer service area, and 1,960 gpd from within the adopted sewer service area, based on flow calculated in accordance with N.J.A.C. 7:14A-23.3.

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

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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 of proposed SSA 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 <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 proposed SSA contains areas mapped as endangered or threatened wildlife species habitat for Red-Headed Woodpecker (Rank 3) and Barred Owl (Rank 3) 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. Pursuant to N.J.A.C. 7:15-4.4(j)2, the applicant submitted a Habitat Suitability Determination/Impact Assessment, dated October 6, 2023, prepared pursuant to N.J.A.C. 7:15-4.6

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and 4.7. The Department determined that the Red-Headed Woodpecker would not be negatively impacted since any impacts of the proposed SSA would be insignificant and the surrounding golf course proper could improve habitat by providing a largely maintained understory forest area with surrounding early successional habitat in between. Onsite habitat for the barred owl is largely marginal being predominantly hardwood upland forest lacking trees of sufficient size for nesting.

- The Department determined that the proposed 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 proposed 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 (LOI)/Line Verification File # LOI 0614-23-0002.1 confirming there are no wetlands in the proposed SSA.
- The Department determined that the proposed 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).
- In accordance with N.J.A.C. 7:15-4.4(g), the Department determined that there are applicable 201 Facilities Plan grant conditions based on the U.S. Environmental Protection Agency (USEPA) list of New

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Jersey Grantees with ESA Grant Condition(s) at <https://www.epa.gov/npdes-permits/environmentally-sensitive-area-esa-grant-condition-waiver-program-region-2>. The

proposed amendment would convey wastewater to the Landis Sewerage Authority treatment plant, which is subject to a Federal ESA grant condition included in the grant agreement executed between the Landis Sewerage Authority and the USEPA under Project Number C-34-461. The ESA grant condition prohibits any sewer connection to Federally-funded facilities from any sewage-generating structure located on a parcel of property containing wetlands or within the 100-year floodplain unless a mapping revision or grant waiver is obtained from USEPA. On March 14, 2024 a partial waiver of the ESA condition was granted by the USEPA. The sewer connection restriction remains in effect for the wetlands and floodplains on the site. Any modification to this project resulting in disturbances to wetlands and floodplains will require a resubmittal to the USEPA for a revised determination, and the sewer connection restriction of the special grant condition remains in effect for any future construction. While the project site contains wetlands, the proposed SSA does not include any wetlands areas.

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. Vineland City provided Resolution No. 6610, dated December 13, 2023, stating the proposed project was consistent with the Vineland Zoning Ordinance and Master Plan. The Cumberland County Planning Department issued a letter dated November 20, 2023, stating that the proposed project is consistent with Cumberland County's planning documents.

This notice is to inform the public that a plan amendment has been proposed for the Lower Delaware WQM Plan. All information related to this plan and the proposed amendment is located at:

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New Jersey Department of Environmental Protection
Division of Watershed Protection & Restoration
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Water Quality Management Planning Program
PO Box 420, Mail Code 501-02A
501 East State Street
Trenton, New Jersey 08625-0420

The Department's file is available for inspection between 9:00 A.M. and 4:00 P.M., Monday through Friday, upon request. An appointment to inspect the file must be arranged by calling the Bureau of NJPDES Stormwater Permitting & Water Quality Management at (609) 633-7021.

Interested persons may submit written comments on the proposed amendment to the Department at the address cited above or at the email: wqmp.publiccomments@dep.nj.gov. Comments should reference Program Interest No. 435441 Activity No. AMD230005 and must be submitted within 30 days of the date of this public notice.

Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests should reference Program Interest No. 435441, Activity No. AMD230005 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined at N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future issue of the New Jersey Register and the comment period will be extended to 15 days after the

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Department's public hearing. All comments submitted prior to the close of the comment period shall be considered by the Department before making a final decision on the proposed amendment.

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 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.

5/23/2024

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

