



NEW JERSEY HIGHLANDS COALITION

508 Main St., Boonton, NJ 07005
973.588.7190 | 973.588.7193 (fax)
www.njhighlandscoalition.org

New Jersey Department of Environmental Protection
Division of Watershed Protection and Restoration
Bureau of NJPDES Stormwater Permitting and Water Quality Management
501 East State Street
Trenton, New Jersey 08625-0420

**YOUR WATER
YOUR FUTURE**

by email: wqmp.publiccomments@dep.nj.gov

Board of Trustees

Mark Lohbauer
President

Jean Rich
1st Vice President

John Donahue
2nd Vice President

David Budd
Treasurer

Michael Keady
Secretary

Jan Barry

Dr. Benjamin Burton

George Cassa

Hon. William Cogger

James Gilbert

Dwight Hiscano

Cinny MacGonagle

Chief Vincent Mann

Sergio Moncada

Jessica Murphy

Laura Oltman

Hon. Ben Spinelli, Esq.

John Thonet, P.E., P.P.

Ashwani Vasishth

Lee Wallace

Dr. Sara Webb

re: White - 519 Commerce Center

**Proposed Amendment to the Upper Delaware WQMP
Program Interest No. 435437 Activity No. AMD210001**

August 19, 2022

The New Jersey Highlands Coalition submits these comments on behalf of our [112 member organizations](#), whose interests we represent in advocating for the protection of the natural and cultural resources of the New Jersey Highlands region.

It should be noted the poor and very problematic planning considerations of the proposed warehouse project. The project sight is located on a 2-lane county road, 11.7 miles from I-80 to the north and 10.6 miles from I-78 to the south. In Warren County's *2020 Light Industrial Site Assessment*—to assess the impact of warehouse development in the County—found that roadway levels of service would deteriorate to unacceptable conditions at most analyzed intersections along CR519, requiring a significant investment in costly infrastructure to maintain levels of service. Also, the road widenings, additional travel and turning lanes, would take tens of thousands of acres of prime farmland out of agricultural production along the 22 miles of the CR519 corridor, which passes through primarily farming communities. The increased stormwater and automobile traffic would have far ranging impacts on the natural resource and scenic values of this part of Warren County.

Sites that are habitat for endangered and threatened wildlife species are not eligible for sewer service. The parcels proposed for warehouse development have verified breeding sightings for four grassland bird species: bobolink, eastern meadowlark, grasshopper sparrow and savannah sparrow (Highlands Council Interactive Map, compiling data from Div of Fish & Wildlife, Endangered and Nongame Species Program and NJ Highlands Council). The applicant's Habitat and Suitability Determination rebuts the *potential* for grassland bird habitat by being able to demonstrate that the site has been under corn and soybean production for the past five years. These conditions might not be ideal habitat for grassland birds, but they provide suitable habitat. The Harmony Grasslands and the Alpha Grasslands—nearby natural heritage sites well known for supporting grassland birds, are predominantly fields of corn and soybean. Further, that there were verified sighting of breeding pairs certainly contradicts the determination by the Department to "*largely negate the suitability of onsite habitat for grassland birds.*"

There is an unresolved issue of the need to reconfigure the narrow intersection of CR519 and Foul Rift Road to accommodate a truck's turning radius. Wetlands are reported in the vicinity of this intersection and a recording has been made by a neighboring property owner of sounds that unmistakably identify vernal habitat. Until a final decision has been made on how the intersection will be configured it is premature to ensure that the approval of the SSA will not result in disturbances to wetlands and vernal habitat.

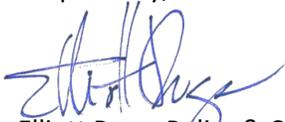
There has been no discussion of the presence of karst and how the design of stormwater systems and the discharge of treated wastewater must reflect the special conditions required to mitigate the risks posed by soluble bedrock. Bioretention systems must not be allowed to infiltrate directly to the ground because surface waters can infiltrate with little or no attenuation of the contaminants typically carried by stormwater. The bioretention systems proposed by the applicant are not lined, nor are they fitted with underdrains, to prevent direct infiltration. Even if they were properly designed for karst topography, they would be inadequate in number to process stormwater by evaporation alone.

Similarly, because of the uncertain interplay of surface and groundwaters in a karst zone, the proposed discharge to groundwater of treated wastewater could directly enter the Delaware River. In addition, any spillage of untreated wastewater due to a system fault or improper maintenance of the package plant could quickly enter groundwater with dire consequences for any private well user in the vicinity.

Proposed amendments to areawide WQMPs must consider the long-range planning concerns of the jurisdictions that have an interest in the applicant's site. The jurisdiction with the most compelling interest is the municipality. White Township's zoning expressly excludes warehousing as a permissible principle use in the subject site's Light Industrial Zone. On June 8, 2022, the Township adopted Resolution #2022-31, in which this WQMP Amendment is opposed for being inconsistent with the zone and for the site's environmental constraints. It should be pointed out that the Warren County/Pequest River Municipal Utilities Authority passed a resolution of consent for the Amendment at the request of the Department, and that per the Chairwoman, *"if we do not approve it, the NJDEP has the option to adopt the proposed amendment without our Resolution."* (Minutes of the Warren County MUA 5/17/22). Warren County MUA passed its resolution of consent three weeks before White Township adopted its opposition resolution. The Warren County MUA was unaware of White Township's opposition when it gave its consent. It is arguable that Warren County may not have given its consent had they been aware of a constituent municipality's opposition.

There exists significant opposition to this warehouse proposal along the entire 23-mile CR519 corridor and beyond, as evidenced by the number of comments the Department has received, both oral comments at the hearing and as expressed in the volume of written comments. There is also an emerging concern that if the proposed two warehouses are approved, more will follow, significantly altering the rural, agricultural tradition of the region. We urge the Department to deny the amendment because it is inconsistent with WQMP rules.

Respectfully,



Elliott Ruga, Policy & Communications Director
New Jersey Highlands Coalition