



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 07

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1981-1833.063, 1981-1833.068, 1981-1833.069 & 1981-1833.071)

Commissioner Galletta moves and Commissioner Witt seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

- App. No. 1981-1833.063 Applicant: THE RICHARD STOCKTON COLLEGE OF NEW JERSEY**

Municipality: Galloway Township
Management Area: Regional Growth
Proposed Development: Construction of a 1,000 linear foot paved emergency access road (Date of Report: February 24, 2014);

- App. No. 1981-1833.068 Applicant: THE RICHARD STOCKTON COLLEGE OF NEW JERSEY**

Municipality: Galloway Township
Management Area: Regional Growth
Proposed Development: Paving of 0.53 acres within and adjacent to an existing paved parking area (Date of Report: February 24, 2014);

- App. No. 1981-1833.069 Applicant: THE RICHARD STOCKTON COLLEGE OF NEW JERSEY**

Municipality: Galloway Township
Management Area: Regional Growth
Proposed Development: Construction of a 160 space parking lot (Date of Report: February 24, 2014); and

- App. No. 1981-1833.071 Applicant: THE RICHARD STOCKTON COLLEGE OF NEW JERSEY**

Municipality: Galloway Township
Management Area: Regional Growth
Proposed Development: Construction of a 4,165 square foot academic laboratory building (Date of Report: February 24, 2014).

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following applications for public development are hereby approved subject to the conditions recommended by the Executive Director.

App. No. 1981-1833.063 Applicant: **THE RICHARD STOCKTON COLLEGE OF NEW JERSEY**

Municipality: Galloway Township
 Management Area: Regional Growth
 Proposed Development: Construction of a 1,000 linear foot paved emergency access road (Date of Report: February 24, 2014);

App. No. 1981-1833.068 Applicant: **THE RICHARD STOCKTON COLLEGE OF NEW JERSEY**

Municipality: Galloway Township
 Management Area: Regional Growth
 Proposed Development: Paving of 0.53 acres within and adjacent to an existing paved parking area (Date of Report: February 24, 2014);

App. No. 1981-1833.069 Applicant: **THE RICHARD STOCKTON COLLEGE OF NEW JERSEY**

Municipality: Galloway Township
 Management Area: Regional Growth
 Proposed Development: Construction of a 160 space parking lot (Date of Report: February 24, 2014); and

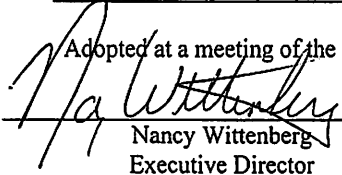
App. No. 1981-1833.071 Applicant: **THE RICHARD STOCKTON COLLEGE OF NEW JERSEY**

Municipality: Galloway Township
 Management Area: Regional Growth
 Proposed Development: Construction of a 4,165 square foot academic laboratory building (Date of Report: February 24, 2014).

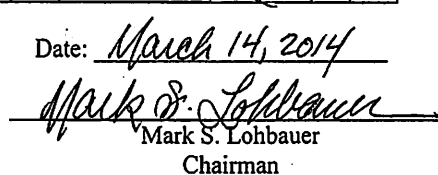
Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Ficcaglia	X			Prickett	X		
Avery	X			Galletta	X			Quinn	X		
Brown	X			Jackson	X			Rohan Green			X
DiBello	X			Lloyd	X			Witt	X		
Earlen	X			McGlinchey	X			Lohbauer	X		

Adopted at a meeting of the Pinelands Commission


 Nancy Wittenberg
 Executive Director

Date: March 14, 2014


 Mark S. Lohbauer
 Chairman



State of New Jersey
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Chris Christie
Governor
Kim Guadagno
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman
Nancy Wittenberg
Executive Director

February 24, 2014

Charles West, Director of Facilities
The Richard Stockton College of New Jersey
Office of Facilities Planning and Construction
101 Vera King Farris Drive, Building 70
Pomona, NJ 08240

Re: Application # 1981-1833.063
Block 875.04, Lot 1.01
Galloway Township

Dear Mr. West:

The Commission staff has completed its review of this application for the construction of a 1,000 linear foot paved emergency access road. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 14, 2014 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Galloway Township Planning Board (via email)
Galloway Township Construction Code Official (via email)
Galloway Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Jason Sciuillo





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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

PUBLIC DEVELOPMENT APPLICATION REPORT

February 24, 2014

Charles West, Director of Facilities
The Richard Stockton College of New Jersey
Office of Facilities Planning and Construction
101 Vera King Farris Drive, Building 70
Pomona, NJ 08240

Application No.: 1981-1833.063

Location: Block 875.04, Lot 1.01
Galloway Township

This application proposes the construction of a 1,000 linear foot paved emergency access road at the Richard Stockton College located on the above referenced 1,586 acre parcel in Galloway Township. The proposed paved emergency access road will be 20 feet wide and located primarily within the limits of a cleared and gravel access road that existed prior to the 1981 adoption of the Pinelands Comprehensive Management Plan (CMP). The parcel is located partially in a Pinelands Regional Growth Area (983 acres) and partially in a Pinelands Rural Development Area (603 acres). The proposed development is located entirely in a Pinelands Regional Growth Area.

On September 10, 2012, the Pinelands Commission approved a "Facilities Master Plan, The Richard Stockton College of New Jersey," dated April 2010. The Master Plan designated ten "development areas," totaling 586 acres, where future development is proposed to occur. The Master Plan also designated 1,000 acres as "preserved areas." Preserved areas are wetlands, wetlands buffers and areas to be preserved to avoid irreversible adverse impacts on the survival of any threatened or endangered plant and animal species. The "preserved areas" are permanently protected from most types of development by a deed of conservation restriction. The development proposed in this application will be located in an area that was designated in the Master Plan as a "development area."

The development subject of this application was constructed prior to the completion of an application with the Pinelands Commission. This constitutes a violation of the application requirements of the CMP. This application is intended to resolve that violation.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The proposed development is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.14 & 6.13)

There are wetlands located on the above referenced parcel. A 155 linear foot portion of the proposed 1,000 linear foot paved emergency access road ("proposed access road") will be located in the required buffer to wetlands. The CMP permits roads (linear improvements) in the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative for this 155 linear foot portion of the proposed access road that does not involve development in wetland buffers or that will result in a less significant adverse impact to the wetland buffers. In addition, this proposed 155 linear foot portion of the proposed access road will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetland buffers. It has been demonstrated that the need for this 155 linear foot portion of the proposed access road overrides the importance of protecting the wetland buffers.

An additional 445 linear foot section of the proposed access road was developed on and within 300 feet of wetlands. It has not been demonstrated that this 445 linear foot portion of the proposed access road meets the CMP wetlands protection standards. The applicant proposes to relocate this 455 linear foot section of the proposed access road.

To resolve the violation of the CMP wetlands protection standards represented by the concerned 445 linear feet of the proposed access road, the applicant proposes to remove the paving, restore the area and revegetate with native vegetation.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located primarily within the limits of a previously cleared and existing gravel access road and grassed areas, and partially in a forested area. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. There will be no increase in the volume and rate of stormwater runoff from the project area after development than occurred prior to the proposed development.

PUBLIC COMMENT

This applicant has provided the requisite public notices. Newspaper public notice was completed on

January 23, 2014. The application was designated as complete on the Commission's website on February 4, 2014. The Commission's public comment period closed on February 21, 2014. The Pinelands Commission received one public comment regarding the application.

Public Comment One: A comment was offered that, in those instances that development is undertaken by a public agency prior to Commission approval, the development violation should be acknowledged in the concerned Commission "Public Development Application Report." The commenter also indicated that the Commission should identify a means of deterring such violations.

Commission Staff Response: The Commission staff attempts to identify in all "Public Development Application Reports" those instances when development subject of the concerned application occurs prior to Commission approval. Publically identifying this fact in the concerned report may serve as a deterrent. In the future, the Commission could consider regulatory changes that would serve as a further deterrent to public agency's undertaking development prior to Commission approval.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of three sheets (Sheets C0101, C1301 & C2002), prepared by Marathon Engineering & Environmental Services, Inc. and dated as follows:

Sheets C0101 & C1301 – January 6, 2014
Sheet C2002 – July 8, 2011; revised to February 21, 2014
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. The applicant shall remove, restore and revegetate the 445 linear foot section of the proposed access road by May 30, 2014.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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General Information: Info@npjines.state.nj.us
Application Specific Information: AppInfo@npjines.state.nj.us

Mark S. Lohbauer
Chairman
Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Mark S. Lohbauer
 Chairman
 Nancy Wittenberg
 Executive Director

February 24, 2014

Charles West, Director of Facilities
 The Richard Stockton College of New Jersey
 Office of Facilities Planning and Construction
 101 Vera King Farris Drive, Building 70
 Pomona, NJ 08240

Re: Application # 1981-1833.068
 Block 875.04, Lots 1.01 - 1.08
 Galloway Township

Dear Mr. West:

The Commission staff has completed its review of this application for the paving of 0.53 acres within and adjacent to an existing paved parking area at the Richard Stockton College. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 14, 2014 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
 Director of Regulatory Programs

- Enc: Appeal Procedure
- c: Secretary, Galloway Township Planning Board (via email)
- Galloway Township Construction Code Official (via email)
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PUBLIC DEVELOPMENT APPLICATION REPORT

February 24, 2014

Charles West, Director of Facilities
The Richard Stockton College of New Jersey
Office of Facilities Planning and Construction
101 Vera King Farris Drive, Building 70
Pomona, NJ 08240

Application No.: 1981-1833.068

Location: Block 875.04, Lots 1.01 - 1.08
Galloway Township

This application proposes the paving of 0.53 acres within and adjacent to an existing paved parking area at the Richard Stockton College located on the above referenced 1,586 acre parcel in Galloway Township. The applicant proposes to pave 0.53 acres of existing grass parking area islands and reconfigure the overall parking area resulting in 175 additional parking spaces. The parcel is located partially in a Pinelands Regional Growth Area (983 acres) and partially in a Pinelands Rural Development Area (603 acres). The proposed development is located entirely in a Pinelands Regional Growth Area.

On September 10, 2012, the Pinelands Commission approved a "Facilities Master Plan, The Richard Stockton College of New Jersey," dated April 2010. The Master Plan designated ten "development areas," totaling 586 acres, where future development is proposed to occur. The Master Plan also designated 1,000 acres as "preserved areas." Preserved areas are wetlands, wetlands buffers and areas to be preserved to avoid irreversible adverse impacts on the survival of any threatened or endangered plant and animal species. The "preserved areas" are permanently protected from most types of development by a deed of conservation restriction. The development proposed in this application will be located in an area that was designated in the Master Plan as a "development area."

The development subject of this application occurred prior to the completion of an application with the Pinelands Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). This application is intended to resolve that violation.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The proposed development is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the above referenced parcel. The CMP provides that no development shall be carried out within 300 feet of any wetland unless the applicant demonstrates that the proposed development will not result in a significant adverse impact on the wetlands in accordance with the criteria contained in the CMP (N.J.A.C. 7-50- 6.7(a)). Based upon the limits of the existing parking area prior to the 0.53 acre parking area expansion proposed in this application, the applicant has demonstrated that the proposed 80 foot buffer to wetlands will not result in a significant adverse impact on the wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within previously existing maintained grassed areas. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The CMP (N.J.A.C. 7:50-6.84(a)6.vi(4)) provides that if an applicant demonstrates the stormwater management standards cannot be met on a particular parcel, the Commission may grant an exception to the CMP stormwater management standards. To grant such an exception, the Commission must find that alternative stormwater measures are proposed elsewhere in the Pinelands Area, within the same drainage area and that those stormwater measures are sufficient to warrant granting the exception.

This application proposes to manage stormwater for the 0.53 acre parking lot in a stormwater management basin proposed for another parking lot application (App. No. 1981-1833.069) at the Richard Stockton College of New Jersey. App. No. 1981-1833.069 is recommended for approval at the March 14, 2014 Commission meeting.

Air Quality Standards (N.J.A.C. 7:50-6.94)

The applicant has demonstrated that the proposed development is consistent with the CMP specified state ambient air quality standards

PUBLIC COMMENT

This applicant has provided the requisite public notices. Newspaper public notice was completed on June 5, 2013. The application was designated as complete on the Commission's website on February 4,

2014. The Commission's public comment period closed on February 21, 2014. The Pinelands Commission received one public comment regarding the application.

Public Commenter One: A comment was offered that, in those instances that development is undertaken by a public agency prior to Commission approval, the development violation should be acknowledged in the concerned Commission "Public Development Application Report." The commenter also indicated that the Commission should identify a means of deterring such violations.

Commissions Staff Response: The Commission staff attempts to identify in all "Public Development Application Reports" those instances when development subject of the concerned application occurs prior to Commission approval. Publically identifying this fact in the concerned report may serve as a deterrent. In the future, the Commission could consider regulatory changes that would serve as a further deterrent to public agencies undertaking development prior to Commission approval.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of nine sheets, prepared by Marathon Engineering & Environmental Services, Inc., all sheets dated January 6, 2014 and revised to January 24, 2014.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. The stormwater management facility proposed in App. No. 1981-1833.069 shall be constructed by June 30, 2014. If the stormwater management facility proposed in App. No. 1981-1833.069 is not constructed by June 30, 2014, the applicant shall secure an amended Commission approval for this application by September 30, 2014.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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February 24, 2014

Charles West, Director of Facilities
The Richard Stockton College of New Jersey
Office of Facilities Planning and Construction
101 Vera King Farris Drive, Building 70
Pomona, NJ 08240

Re: Application # 1981-1833.069
Block 875.04, Lots 1.01 - 1.08
Galloway Township

Dear Mr. West:

The Commission staff has completed its review of this application for the construction of a 160 space parking lot. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 14, 2014 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Galloway Township Planning Board (via email)
- Galloway Township Construction Code Official (via email)
- Galloway Township Environmental Commission (via email)
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 Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

February 24, 2014

Charles West, Director of Facilities
 The Richard Stockton College of New Jersey
 Office of Facilities Planning and Construction
 101 Vera King Farris Drive, Building 70
 Pomona, NJ 08240

Application No.: 1981-1833.069

Location: Block 875.04, Lots 1.01 - 1.08
 Galloway Township

This application proposes the construction of a 160 space stone parking lot at the Richard Stockton College located on the above referenced 1,586 acre parcel in Galloway Township. The proposed parking lot is located on the west side of Vera King Farris Drive. The parcel is located partially in a Pinelands Regional Growth Area (983 acres) and partially in a Pinelands Rural Development Area (603 acres). The proposed development is located entirely in a Pinelands Regional Growth Area.

On September 10, 2012, the Pinelands Commission approved a "Facilities Master Plan, The Richard Stockton College of New Jersey," dated April 2010. The Master Plan designated ten "development areas," totaling 586 acres, where future development is proposed to occur. The Master Plan also designated 1,000 acres as "preserved areas." Preserved areas are wetlands, wetlands buffers and areas to be preserved to avoid irreversible adverse impacts on the survival of any threatened or endangered plant and animal species. The "preserved areas" are permanently protected from most types of development by a deed of conservation restriction. The development proposed in this application will be located in an area that was designated in the Master Plan as a "development area."

The development subject of this application, except for a proposed stormwater basin, was constructed prior to the completion of an application with the Pinelands Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management (CMP). This application is intended to resolve that violation.

In addition to the stone parking lot subject of this application, a second parking area was constructed at Richard Stockton College on the east side of Vera King Farris Drive without application to the Commission. To resolve this violation, the applicant proposes to remove the second parking area, restore the area to its pre-existing conditions and revegetate the area with native Pinelands vegetation.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The proposed development is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the above referenced parcel. The proposed parking is located approximately 120 feet from wetlands. Based upon the location of intervening development between the proposed parking lot and the concerned wetlands, the proposed development will not result in a significant adverse impact on wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within a previously existing maintained grassed area. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing an approximate 0.28 acre stormwater infiltration basin. The proposed stormwater basin will also provide the required stormwater management for additional development, the 0.53 acre parking lot expansion proposed in App No 1981-1833.068.

Air Quality Standards (N.J.A.C. 7:50-6.94)

The applicant has demonstrated that the proposed development is consistent with the CMP specified state ambient air quality standards

PUBLIC COMMENT

This applicant has provided the requisite public notices. Newspaper public notice was completed on June 5, 2013. The application was designated as complete on the Commission's website on February 4, 2014. The Commission's public comment period closed on February 21, 2014. The Pinelands Commission received one public comment regarding the application.

Public Comment One: A comment was offered that, in those instances that development is undertaken by a public agency prior to Commission approval, the development violation should be acknowledged in the concerned Commission "Public Development Application Report." The commenter also indicated that the Commission should identify a means of deterring such violations.

Commission Staff Response: The Commission staff attempts to identify in all "Public Development Application Reports" those instances when development subject of the concerned application occurs prior to Commission approval. Publically identifying this fact in the concerned report may serve as a deterrent. In the future, the Commission could consider regulatory changes that would serve as a further deterrent to public agency's undertaking development prior to Commission approval.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of nine sheets, prepared by Marathon Engineering & Environmental Services, Inc., all sheets dated January 6, 2014 and revised to January 24, 2014.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. In addition to the parking lot subject of this application, a second parking area was constructed on the east side of Vera King Farris Drive without application to the Commission. To resolve this violation, the applicant proposes to remove the second parking area, restore the area to its pre-existing conditions and revegetate the area with native Pinelands vegetation. The applicant shall restore and revegetate the second parking area by May 30, 2014.
7. The stormwater management basin proposed in this application shall be constructed by July 30, 2014. If the stormwater management basin proposed in this application is not constructed by July 30, 2014, the applicant shall secure an amended Commission approval for this application by September 30, 2014.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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Chris Christie
Governor

Kim Guadagno
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

February 24, 2014

Charles West
The Richard Stockton College of New Jersey
Office of Facilities Planning and Construction
Building 70, 101 Vera King Farris Drive
Pomona, NJ 08240

Re: Application # 1981-1833.071
Block 875.04, Lots 1.01 - 1.08
Galloway Township

Dear Mr. West:

The Commission staff has completed its review of this application for the construction of a 4,165 square foot academic laboratory building. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 14, 2014 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Galloway Township Planning Board (via email)
Galloway Township Construction Code Official (via email)
Galloway Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Jason Sciuillo





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Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

February 24, 2014

Charles West
The Richard Stockton College of New Jersey
Office of Facilities Planning and Construction
Building 70, 101 Vera King Farris Drive
Pomona, NJ 08240

Application No.: 1981-1833.071

Location: Block 875.04, Lots 1.01 - 1.08
Galloway Township

This application proposes the construction of a 4,165 square foot academic laboratory building at the Richard Stockton College located on the above referenced 1,586 acre parcel in Galloway Township. The parcel is located partially in a Pinelands Regional Growth Area (983 acres) and partially in a Pinelands Rural Development Area (603 acres). The proposed development is located entirely in a Pinelands Regional Growth Area.

On September 10, 2012, the Pinelands Commission approved a "Facilities Master Plan, The Richard Stockton College of New Jersey," dated April 2010. The Master Plan designated ten "development areas," totaling 586 acres, where future development is proposed to occur. The Master Plan also designated 1,000 acres as "preserved areas." Preserved areas are wetlands, wetlands buffers and areas to be preserved to avoid irreversible adverse impacts on the survival of any threatened or endangered plant and animal species. The "preserved areas" are permanently protected from most types of development by a deed of conservation restriction. The development proposed in this application will be located in an area that was designated in the Master Plan as a "development area."

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The proposed development is located in a Pinelands Regional Growth Area. The proposed development is a permitted use in a Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the above referenced parcel. The Master Plan concluded that a wetlands buffer of 175 feet for development located within the “core area” of the Stockton campus would not result in a significant adverse impact on wetlands. The proposed development is located within the “core area” of the Stockton campus and will maintain at least a 175 foot buffer to wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located over existing stone and impervious surfaces. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Water Quality Standard (N.J.A.C. 7:50-6.83)

The proposed development will be serviced by sanitary sewer.

PUBLIC COMMENT

The CMP defines the proposed development as “minor.” The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on February 4, 2014. The Commission’s public comment period closed on February 21, 2014. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of seven sheets, prepared by Marathon Engineering & Environmental Services, Inc., all sheets dated December 23, 2013 and revised to January 29, 2014.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the “Vegetation” standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 08

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1993-0360.004 & 2013-0151.001)

Commissioner Pickett moves and Commissioner Jackson seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

App. No. 1993-0360.004 Applicant: PEMBERTON TOWNSHIP
Municipality: Pemberton Township
Management Area: Regional Growth
Proposed Development: Expansion of an existing recreational facility (Date of Report: February 24, 2014); and

App. No. 2013-0151.001 Applicant: PEMBERTON TOWNSHIP
Municipality: Pemberton Township
Management Area: Regional Growth
Proposed Development: Demolition of a single family dwelling, 50 years old or older (Date of Report: February 24, 2014).

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following applications for public development are hereby approved subject to the conditions recommended by the Executive Director.

App. No. 1993-0360.004 Applicant: PEMBERTON TOWNSHIP
Municipality: Pemberton Township
Management Area: Regional Growth
Proposed Development: Expansion of an existing recreational facility (Date of Report: February 24, 2014); and

Municipality:

Pemberton Township

Management Area:

Regional Growth

Proposed Development:

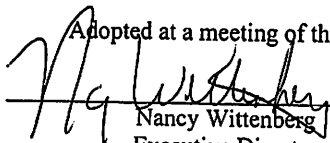
Demolition of a single family dwelling, 50 years old or older (Date of Report: February 24, 2014).

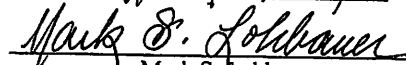
Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun	X				Ficcaglia	X				Prickett			X	
Avery	X				Galletta	X				Quinn	X			
Brown	X				Jackson	X				Rohan Green			X	
DiBello	X				Lloyd	X				Witt	X			
Earlen	X				McGlinchey			X		Lohbauer	X			

Adopted at a meeting of the Pinelands Commission

Date: March 14, 2014


 Nancy Wittenberg
 Executive Director


 Mark S. Lohbauer
 Chairman



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Chris Christie
 Governor
 Kim Guadagno
 Lt. Governor

General Information: Info@njpinelands.state.nj.us
 Application Specific Information: AppInfo@njpinelands.state.nj.us

Mark S. Lohbauer
 Chairman
 Nancy Wittenberg
 Executive Director

February 24, 2014

David A. Patriarca, Mayor
 Pemberton Township
 500 Pemberton Browns Mills Road
 Pemberton, NJ 08068


Re: Application # 1993-0360.004
 Block 812, Lot 16.01
 Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for the expansion of an existing recreational facility on the above referenced parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 14, 2014 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

 Charles M. Horner, P.P.
 Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Pemberton Township Planning Board (via email)
- Pemberton Township Construction Code Official (via email)
- Pemberton Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- John Helbig





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Kim Guadagno
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman
Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

February 24, 2014

David A. Patriarca, Mayor
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 1993-0360.004

Location: Nesbit Recreation Complex
Block 812, Lot 16.01
Pemberton Township

The applicant proposes the expansion of an existing recreational complex on the above referenced 93.68 acre lot. The proposed improvements include the development of a football field, a 32 space gravel parking lot, two 150 square foot public address/storage buildings and expansion of an existing playground.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The proposed development is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the above referenced parcel. The CMP provides that no development shall be carried out within 300 feet of any wetland unless the applicant demonstrates that the proposed development will not result in a significant adverse impact on the wetlands in accordance with the criteria contained in the CMP (N.J.A.C. 7-50- 6.7(a)). The applicant has demonstrated that the proposed 175 foot buffer to wetlands will not result in a significant adverse impact on the wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located in an existing maintained grassed area. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture that meets that recommendation.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing two stormwater infiltration basins.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

A cultural resource survey was prepared for this application. It was determined that there were no prehistoric or historic resources eligible for Pinelands designation within the project area.

PUBLIC COMMENT

This applicant has provided the requisite public notices. Public notice to required land owners within 200 feet of the above referenced lot was completed on July 3, 2013. Newspaper public notice was completed on July 5, 2013. The application was designated as complete on the Commission's website on January 21, 2014. The Commission's public comment period closed on February 21, 2014. No public comments were submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of six sheets, prepared by Adams, Rehmann & Heggan Associates and dated as follows:

 Sheet 1 - dated July, 2013 and revised to August 7, 2013;
 Sheet 2 – dated July 2, 2013 with no revisions; and
 Sheets 3-6 – dated July 2, 2013 and revised to August 7, 2013.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and

approvals.

5. All proposed development shall be located at least 175 feet from wetlands.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



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Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

February 24, 2014

David Benedetti
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 2013-0151.001
Block 374, Lots 74 - 77
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for the demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 14, 2014 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)





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Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

February 24, 2014

David Benedetti
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 2013-0151.001

Location: Block 374, Lots 74 - 77
Pemberton Township

This application proposes the demolition of a dilapidated single family dwelling, 50 years old or older, located on the above referenced 0.18 acre parcel in Pemberton Township. The Township owns the parcel.

STANDARDS

The Commission staff has reviewed the proposed demolition for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28)

The parcel is located in a Pinelands Regional Growth Area. The demolition of a dwelling is permitted by the CMP.

PUBLIC COMMENT

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on January 17, 2014. The Commission’s public comment period closed on February 21, 2014. No public comments regarding this application were submitted to the Pinelands Commission.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. Prior to demolition of the single family dwelling, the applicant shall obtain any other necessary permits and approvals.
3. Reconstruction of a single family dwelling within five years of its demolition does not require an application to the Commission. After five years, reconstruction of the concerned dwelling requires application to the Commission.

CONCLUSION

As the proposed demolition conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed demolition subject to the above conditions.



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Chris Christie
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 Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 09

TITLE: Approving With Conditions an Application for a Public Development (Application Number 1982-2906.008)

Commissioner Ficcaglia moves and Commissioner Lloyd seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for a Public Development be approved with conditions:

App. No. 1982-2906.008 Applicant: TOWN OF HAMMONTON

Municipality: Town of Hammonton
Management Area: Pinelands Town
Proposed Development: Construction of a 240 square foot addition to a water supply treatment building (Date of Report: February 24, 2014).

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for Public Development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following application for Public Development is hereby approved subject to the conditions recommended by the Executive Director.

App. No. 1982-2906.008 Applicant: TOWN OF HAMMONTON

Municipality: Town of Hammonton
Management Area: Pinelands Town
Proposed Development: Construction of a 240 square foot addition to a water supply treatment building (Date of Report: February 24, 2014).

Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun	X				Ficcaglia	X				Prickett	X			
Avery	X				Galletta			X		Quinn	X			
Brown	X				Jackson	X				Rohan Green			X	
DiBello	X				Lloyd	X				Witt	X			
Earlen	X				McGlinchey			X		Lohbauer	X			

Adopted at a meeting of the Pinelands Commission
Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: March 14, 2014
Mark S. Lohbauer
Mark S. Lohbauer
Chairman



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
 (609) 894-7300
 www.nj.gov/pinelands



Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

General Information: Info@njpines.state.nj.us
 Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

February 24, 2014

Stephen DiDonato, Mayor
 Town of Hammonton
 100 Central Avenue
 Hammonton, NJ 08037

Re: Application # 1982-2906.008
 Block 2515, Lots 1, 3 & 5
 Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for the construction of a 240 square foot expansion of a water supply treatment building. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 14, 2014 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
 Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Town of Hammonton Planning Board (via email)
- Town of Hammonton Construction Code Official (via email)
- Town of Hammonton Environmental Commission (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- John Helbig





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

General Information: Info@njpinelands.state.nj.us
Application Specific Information: AppInfo@njpinelands.state.nj.us

PUBLIC DEVELOPMENT APPLICATION REPORT

February 24, 2014

Stephen DiDonato, Mayor
Town of Hammonton
100 Central Avenue
Hammonton, NJ 08037

Application No.: 1982-2906.008

Location: Block 2515, Lots 1, 3 & 5
Town of Hammonton

This application proposes development of a 240 square foot building addition to an existing 3,213 square foot municipal water treatment building on the above referenced 1.06 acre parcel in the Town of Hammonton. The application also includes the installation of 140 linear feet of potable water main on the above referenced parcel and within the adjacent Lincoln Street right-of-way. There are two municipal potable water supply wells and an elevated water storage tank also located on the lot.

In 2012, the Town of Hammonton detected elevated levels of Ethylene Dibromide (EDB) and Tetrachloroethylene (PCE) in the two existing potable water supply wells at levels that exceed the maximum contaminant level requirements of the New Jersey Safe Drinking Water Act. The Town is currently using two temporary carbon filters to treat potable water from the two concerned wells. The two filters are located outside of the water treatment building. The proposed 240 square foot building addition will permit the relocation of the two existing filters inside the water treatment building, and the installation of two additional filters. The filters are filled with coconut carbon media. Used media will be disposed at an appropriately licensed facility.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-27(a))

The parcel is located in the Pinelands Town of Hammonton. The proposed development is a permitted land use in a Pinelands Town.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located over existing impervious surfaces and maintained grass. All clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

PUBLIC COMMENT

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on January 29, 2014. The Commission’s public comment period closed on February 21, 2014. No public comments regarding this application were submitted to the Pinelands Commission.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of two sheets, prepared by Adams, Rehmann & Heggan Associates, Inc., both sheets dated January 20, 2014.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the “Vegetation” standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Disposal of contaminated media may only occur at an appropriately licensed facility.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



State of New Jersey

THE PINELANDS COMMISSION

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 10

TITLE: To Approve With Conditions Hammonton's Long Term Comprehensive Wastewater Plan to Eliminate the Discharge of Treated Wastewater to Hammonton Creek.

Commissioner Lloyd moves and Commissioner Rickett seconds the motion that:

WHEREAS, the Town of Hammonton replaced and relocated its wastewater treatment plant in 1994 to meet effluent discharge requirement of the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, pursuant to the Pinelands Comprehensive Management Plan (CMP), specifically N.J.A.C. 7:50-6.84(a)1.i the Town was required to cease all wastewater effluent discharges to Hammonton Creek; and

WHEREAS, Hammonton Creek is classified under the New Jersey Surface Water Quality Standards (N.J.A.C. 7:9B) as an "Outstanding National Resource Water"; and

WHEREAS, Outstanding National Resource Waters are afforded the highest level of protection under the law; and

WHEREAS, Outstanding National Resource Waters are to be maintained in their natural state and changes are allowed only toward natural water quality; and

WHEREAS, the Hammonton sewage treatment plant provides secondary wastewater treatment with nutrient reduction and disinfection; and

WHEREAS, the Hammonton sewage treatment plant discharges pollutants as defined by the New Jersey Pollutant Discharge Elimination System (NJPDES) Rules (N.J.A.C. 7:14A-1.2); and

WHEREAS, effluent from the Hammonton sewage treatment plant does not match the natural quality of Pinelands surface waters; and

WHEREAS, any discharge of wastewater from the Hammonton sewage treatment plant is a violation of the Pinelands CMP; and

WHEREAS, the discharge of wastewater from the Hammonton sewage treatment plant to Hammonton Creek could only be authorized through an amendment to the CMP or through an intergovernmental memorandum of agreement (N.J.A.C. 7:50-4.52(c), neither of which is being contemplated at this time; and

WHEREAS, the NJDEP and the Town of Hammonton executed an Administrative Consent Order (ACO) on June 27, 1988 to bring Hammonton's sewage treatment plant into compliance with effluent permit limitations; and

WHEREAS, Hammonton proposed to meet the effluent permit limitations through construction of a new treatment plant, rather than perform a multi-phased upgrade to its existing facility; and

WHEREAS, as a result of Hammonton's construction of a new sewage treatment plant, the Pinelands CMP at N.J.A.C. 7:50-6.84 required Hammonton to cease discharging sewage treatment plant effluent to Hammonton Creek; and

WHEREAS, the June 27, 1988 ACO included an enforcement construction schedule for both the new treatment plant and a proposed effluent ground water discharge facility; and

WHEREAS, Hammonton was unable to meet the final compliance date of November 30, 1991 contained within the June 27, 1988 ACO; and

WHEREAS, NJDEP and Hammonton subsequently entered into an Amended Administrative Consent Order (AACO) in June 1991 requiring Hammonton to cease its surface water discharge to Hammonton Creek by August 31, 1994; and

WHEREAS, the June 1991 AACO was subsequently incorporated into a Judicial Consent Judgment approved by the Superior Court of New Jersey; and

WHEREAS, the Pinelands Commission undertook a series of official actions requiring Hammonton to cease its discharge to Hammonton Creek by March 31, 1995; and

WHEREAS, the deadline for Hammonton to cease the discharge of sewage effluent to Hammonton Creek was subsequently extended based on Force Majeure provisions of the AACO by letters dated June 9, 1992, March 31, 1995 and July 5, 1996; and

WHEREAS, a new deadline of October 31, 2001 was subsequently established and incorporated into a revised compliance schedule as part of a Second AACO, which was executed by the NJDEP and Hammonton on February 3, 1998; and

WHEREAS, the Second AACO was incorporated into an Amended Judicial Consent Judgment that was approved by the Superior Court of New Jersey on May 15, 1998; and

WHEREAS, on February 7, 2000 the NJDEP issued a Notice of Civil Administrative Penalty Assessment to Hammonton for failing to meet the compliance schedule contained in the Second AACO; and

WHEREAS, Hammonton requested an administrative hearing on the Notice of Civil Administrative Penalty Assessment which was transmitted to the Office of Administrative Law; and

WHEREAS, on or about October 23, 2001, Hammonton completed construction of the Boyer Avenue Land Application Facility (LAF) required by the Pinelands Commission and began to divert a portion of the effluent from its sewage treatment plant to the LAF for land application and groundwater recharge; and

WHEREAS, to provide for an orderly and controlled diversion of effluent from the Hammonton sewage treatment plant, and to resolve the matter before the Office of Administrative Law, the NJDEP and Hammonton executed a Third AACO on March 1, 2002; and

WHEREAS, the Third AACO was incorporated into a Second Amended Judicial Consent Judgment and approved by the Superior Court of New Jersey on October 7, 2002; and

WHEREAS, as a result of the compliance schedule contained within the Third AACO, Hammonton was required to cease its surface water discharge to Hammonton Creek and to convey all of its effluent to the Boyer Avenue facility no later than October 31, 2003; and

WHEREAS, although Hammonton's engineering professionals reported that the Boyer Avenue land application facility was capable of infiltrating at least 1.6 million gallons of wastewater daily (MGD), the facility was unable to infiltrate more than 0.6 MGD; and

WHEREAS, in response to inadequate infiltration at the Boyer Avenue facility, NJDEP modified the Third AACO's Boyer Avenue minimum discharge timetable, extending the final AACO compliance date from October 31, 2003 to September 1, 2013 by subsequent Force Majeure response letters, contingent on Hammonton completing other requirements; and

WHEREAS, to investigate the cause of inadequate infiltration at the Boyer Avenue facility, Hammonton and the Commission jointly funded an investigation of subsurface conditions that underlie the facility; and

WHEREAS, USGS reported that the diminished infiltrative capacity of the facility was the result of aerially extensive fine grained and (or) iron cemented strata that underlie the facility and impede infiltration; and

WHEREAS, Hammonton has modified the manner in which the infiltration lagoons are hydraulically loaded and such modification have resulted in improved infiltration of wastewater; and

WHEREAS, notwithstanding the operational modifications, the Hammonton sewage treatment plant continues to intermittently discharge large quantities of wastewater effluent to Hammonton Creek ranging from 25% to 150% of the total average wastewater flow during and after severe wet weather events and prolonged periods of above normal precipitation; and

WHEREAS, on February 10, 2011 the Commission approved an increase in total water allocation to Hammonton with the condition that during the period of December 10, 2010 to December 10, 2013, the proposed increase in potable water allocation not result in an increase in wastewater discharges to Hammonton Creek and that the Boyer Avenue land application facility accommodate a minimum monthly average of 807,000 gallons of wastewater per day; and

WHEREAS, during the period of December 10, 2010 to December 10, 2013 the Boyer Avenue land application facility failed to consistently accommodate a minimum monthly average of 807,000 gallons of wastewater per day; and

WHEREAS, the Commission's February 10, 2011 approval also required that Hammonton prepare, in consultation with the Commission staff and submit to the Pinelands Commission for approval, a long term comprehensive wastewater plan (LTCWP) for the treatment and disposal of wastewater ; and

WHEREAS, the February 10, 2011 Commission approval further stipulated that unless a long term comprehensive plan regarding the treatment and discharge of wastewater is approved by the Commission prior to December 10, 2013, that Hammonton cease all discharge of treated wastewater to Hammonton Creek by December 10, 2013 ; and

WHEREAS, the Town did not submit a proposed LTCWP that staff could recommend for approval by the required date of December 10, 2013; and

WHEREAS, Hammonton has not demonstrated its ability to consistently infiltrate all of its wastewater via land application and to date has not permanently eliminated the discharge of wastewater to Hammonton Creek during and after extended severe weather events and periods of wet weather; and

WHEREAS, consistent with the provisions of the Pinelands CMP and the February 10, 2011 water allocation approval, effective December 10, 2013 the Commission has been poised to call up proposed new development that would contribute additional wastewater flow to the Hammonton sewage treatment plant for being inconsistent with the water quality provisions of the CMP; and

WHEREAS, Hammonton has submitted a LTCWP which proposes the construction of 26.47 acres of new overland (surface) wastewater drip irrigation infrastructure and 21.71 acres of new underground (subsurface) wastewater drip irrigation infrastructure at the Boyer Avenue land application facility that the Town's engineering professionals report will be capable of infiltrating all of the Town's wastewater; and

WHEREAS, the LTCWP calls for the 8.89 acre overland drip irrigation area #1 to be operational by late Spring or early Summer of 2014 and the entire 26.47 acre overland dispersal system to be fully operational by September 2014 (weather permitting); and

WHEREAS, the Town has represented that the entire 26.57 acre overland drip irrigation system area will be fully funded and constructed without reliance on outside funding sources; and

WHEREAS, the LTCWP calls for the 7.47 acre underground drip irrigation area #1 to be operational by the Fall of 2015 with the construction of the remaining underground drip irrigation areas #2, #3, #4 and #5 to be completed on an as-needed basis; and

WHEREAS, the year round operation of both the overland and underground subsurface drip irrigation systems is likely to be curtailed due to freezing temperatures and the need to winterize the system to prevent freeze damage; and

WHEREAS, the seasonal curtailment of the drip irrigation system has the potential to take these drip irrigation systems offline during the time of year that the Town has often found it necessary to discharge effluent to Hammonton Creek; and

WHEREAS, the LTCWP incorporates essential operation and maintenance measures to ensure effective infiltration of wastewater at the Boyer Avenue facility and to eliminate in perpetuity all wastewater discharges to Hammonton Creek including during extended periods of wet weather; and

WHEREAS, the LTCWP incorporates the potential for the future expansion of wastewater infiltration infrastructure on approximately 14 acres at the Boyer Avenue facility as depicted on the site plan entitled Treatment Works Approval Plan For: Boyer Avenue Recreation Complex Phase III, prepared by Adams, Rehmann, & Heggan Associates, Inc., dated March 10, 2008; and

WHEREAS, the LTCWP incorporates an inflow and infiltration control program for the rehabilitation of select components of Hammonton's wastewater collection and conveyance systems that the Town has indicated are the source of groundwater intrusion and stormwater infiltration into the sewerage system that results in extraneous sewage flows during periods of wet weather; and

WHEREAS, the Town reports that it intends to continue in its efforts to prioritize the testing and rehabilitation of problematic vitrified clay sewer pipe, vents and manholes that are subject to inflow; and

WHEREAS, the objective of the LTCWP is to eliminate the long standing intermittent discharge of wastewater to Hammonton Creek from the Hammonton sewage treatment plant which has been in violation of the Pinelands CMP (N.J.A.C. 7:50-6.84(a)1.i.) since November 1991; and

WHEREAS, the Hammonton Town Council endorsed the January 2, 2014 first draft of the LTCWP by adoption of Resolution No.# R019-2014, dated, January 1, 2014; and

WHEREAS, implementation of the LTCWP is intended to eliminate violations of the CMP caused by discharges of wastewater effluent to Hammonton Creek; and

WHEREAS, the CMP provides no exception for effluent discharges to Pinelands waters that might occur as a result of extreme weather events or extended periods of above normal precipitation, notwithstanding the lack of such an exception, Commission staff has noted its recognition that temporary stream discharge violations may occur as a result of singular extreme weather events or due to a combination of multiple weather events that are beyond the control of the Hammonton sewage treatment plant operators; and

WHEREAS, during and immediately after such events, the sewage flow received at the sewage treatment plant may temporarily exceed the infiltrative capacity of the Town's wastewater infiltration facilities; and

WHEREAS, the NJDEP New Jersey Pollutant Discharge Elimination System rules provide for an affirmative defense when conditions that are beyond the control of the treatment plant operator of record result in a violation of the facilities operating permit; and

WHEREAS, the Executive Director considers such an affirmative defense provision to be appropriate under conditions that are truly beyond the control of the plant operator; and

WHEREAS, the Executive Director has reviewed Hammonton's proposed LTCWP, dated January 2, 2014, last revised February 18, 2014, and has prepared an Executive Director's report dated March 5, 2014 which recommends that the Commission grant a conditional approval of said plan; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that

The Commission hereby grants conditional approval of Hammonton's LTCWP with the following conditions:

I. Revised LTCWP

On or before April 30, 2014, the Town shall submit and the Hammonton Town Council shall endorse a revised LTCWP, subject to the Executive Director's approval. The revised plan shall incorporate the following changes:

- a. All references to "limited discharge" to Hammonton Creek in the LTCWP shall be replaced with "emergency discharge". The plan should note that the authority to declare an emergency as it relates to Hammonton's discharge of wastewater to Hammonton Creek rests solely with the Executive Director of the Pinelands Commission after consultation with the Commission Chairman, in accordance with N.J.A.C. 7:50-4.5.
- b. Section V. Sewer Connection Approval Program shall be deleted from the LTCWP.
- c. Construction and operation of the 26.47 acre overland drip irrigation system shall not be dependent on outside funding sources.
- d. The revised LTCWP shall incorporate a schedule for a rigorous inspection of all remaining (approximately 98,000 L.F.) potentially problematic vitrified clay sewerage pipelines within the Town's sewage collection system. The results of the inspection program, along with conclusions and recommendations, shall be submitted to the Commission under the signature and seal of a New Jersey licensed professional engineer within two years of the date of Commission's adoption of this resolution. The inspection program shall include visual inspections of all sewerage system manholes and covers, closed circuit television inspection of internal sewer lines and smoke and/or dye tests to identify groundwater entry into the collection system, and locations of illegal connections into the system (including but not limited to downspouts, sump pumps, storm water catch basins, yard drains, etc.).

- e. The rehabilitation of all problematic manholes, manhole covers and vitrified clay sewerage pipelines identified as being prone to inflow or infiltration shall be completed within eight years from the date of the of Commission's receipt of the sewerage system inspection report identified and required in d. above.
- f. The revised LTCWP shall identify the specific safety concerns raised in the February 8, 2014 LTCWP. Proposed measures to abate specified safety concerns are subject to approval by the Executive Director of the Pinelands Commission after consultation with the Commission Chairman, in accordance with N.J.A.C. 7:50-4.5. Within 24 hours of taking emergency action, the Town shall notify the Executive Director of all actions taken to remedy or prevent conditions that are dangerous to life, health or safety.

II. LTCWP Implementation

- a. Hammonton shall implement all measures identified in the LTCWP that are intended to eliminate all wastewater discharges to Hammonton Creek.
- b. Hammonton shall not discharge treated wastewater by any means to Hammonton Creek except in the case of an emergency. The existence of an emergency, as it relates to Hammonton's discharge of wastewater to Hammonton Creek, is determinable solely by the Executive Director of the Pinelands Commission after consultation with the Commission Chairman, in accordance with N.J.A.C. 7:50-4.5. . Any non-emergency wastewater discharge to Hammonton Creek that occurs for more than 30 days (continuous or discontinuous) during any rolling six month period shall result in the Executive Director requiring the immediate implementation of remedial measures (i.e., implementation and/or expansion of the below ground/ subsurface drip irrigation system or other new drip irrigation facilities, as determined by the Executive Director, and/or expedited rehabilitation of problematic sewerage system components, etc.).
- c. If the implementation of remedial measures, as identified and required in II. b. above does not commence within 30 days of the Executive Director's directive, the Executive Director shall call up all proposed development as being inconsistent with the water quality standards of the CMP.
- d. If the discharge to Hammonton Creek persists after the remedial action(s) required and identified in II. b and c. above are implemented, call-ups shall commence until additional remedial measures noted herein eliminate the stream discharge.
- e. Expedient implementation of the following measures may result in the Commission or Commission staff authorizing new development and associated sewerage flow to Hammonton's wastewater treatment plant before completion of the entire 26.47 acre surface/overland drip irrigation system, Phase I (7.47 acres of the 21.71 acre subsurface/underground drip irrigation system) . , and completion of the inflow and infiltration inspection and rehabilitation program. During the completion of the scheduled items below and approval of the revised LTCWP, required in I. above, the Executive Director is hereby authorized, on a case by case basis, to permit limited development proposed to contribute wastewater to Hammonton's sewage treatment plant . Such case by case authorization is subject to the Town's demonstrating to the satisfaction of the Executive Director that construction and activation of the following three items is proceeding at an adequate pace to meet the schedule noted in e. 1 through 3 below and that such new development will not result in the discharge of effluent to Hammonton Creek. However, delays which occur for any reason, including but not limited to delayed permit acquisition or delayed funding, will result in the Commission calling up development which proposes to connect to the Town's sewerage system until the improvements are fully built and operational.
 1. **Overland/Surface Drip Irrigation System Schedule:** The system shall be fully operational by September 30, 2014.
 2. **Phase I Underground/Subsurface Drip Irrigation System Schedule:** Construction of the 7.47 acre Phase I subsurface drip irrigation systems shall commence no later than April 30, 2015 and be completed by September 30, 2015.
 3. **Inflow and Infiltration Inspection and Rehabilitation Schedule:** By September 30, 2014 the Town shall have committed funding for inflow and infiltration studies identified and required in I. d. and e. above, and shall prioritize the rehabilitation of all problematic sewerage system identified as prone to inflow and infiltration within ten years of the completion and submission of the inflow and infiltration report to the Executive Director.
- f. In order to permanently eliminate all wastewater discharges to Hammonton Creek, the following timelines should be implemented. However, in the event the Executive Director determines that all effluent discharges to Hammonton Creek are permanently eliminated prior to the construction of subsurface drip irrigation system phases 3, 4 and 5 and the complete rehabilitation of all remaining problematic sewerage system components listed below, the Executive Director will hold the sewerage system rehabilitation and subsurface drip irrigation system construction schedule in abeyance.

1. Within ten years of the Commission's adoption of Resolution No. PC4-14-10, Hammonton shall complete the rehabilitation of all problematic components of the Town's wastewater collection system that are subject to inflow or infiltration and shall prioritize the rehabilitation efforts to first target areas that are most prone to inflow or infiltration.
 2. Within five years of the Commission's adoption of Resolution No. PC4-14-10, construction of Phase 3 (5.24 acres), Phase 4 (1.47 acres), and Phase 5 (2.25 acres) of the subsurface drip irrigation systems shall be completed. Construction of Phase 2 (5.28 acres) of the subsurface drip irrigation system may proceed on an as needed basis, subject to cessation of all effluent discharges to Hammonton Creek.
- g. The Executive Director shall be notified within 48 hours of any discharge of wastewater effluent to Hammonton Creek. Notification shall include an explanation of the conditions that lead to the discharge, the daily volume of the discharge, the anticipated duration of the discharge, measures being taken to eliminate the discharge. Each daily discharge shall require a separate notification.
 - h. Beginning on May 1, 2015, Hammonton shall submit an annual summary report to the Pinelands Commission detailing the status of all wastewater infiltration infrastructure, including the acreage of all drip irrigation infrastructure constructed and operational to date, infiltration system construction that is scheduled in the coming year, the dates, and volumes of all daily wastewater discharges to Hammonton Creek occurring in the preceding year, the monthly volume of wastewater disposed via each of the infiltration systems (trenches, overland/surface and underground/subsurface), the dates of operation and winterization of all infrastructure subject to winterization, the status of all sewerage system pipe and manhole testing and rehabilitation, and all maintenance activities conducted on the irrigation systems (trenches and drip) at the Boyer Avenue facility.
 - i. The Executive Director may request that Hammonton officials appear before the Pinelands Commission at any time, regardless of stream discharge duration or frequency, to explain the occurrence of stream discharges and to make inquiries into the status of the Town's remedial actions.
 - j. Any future amendments to the LTCWP shall be subject to review and approval by the Pinelands Commission.

III. Potential document conflicts

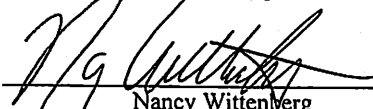
Should any section, clause, sentence, phrase or provision of the LTCWP, Executive Director's Report dated March 5, 2014, last revised March 13, 2014, or any other document related thereto be inconsistent with the terms or conditions of this Resolution, such section, clause, sentence, phrase or provision of the LTCWP, Executive Director's Report or any other document related thereto shall be null and void to the extent of any such inconsistency.

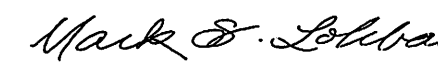
Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Ficcaglia	X			Prickett	X		
Avery	X			Galletta	X		X	Quinn	X		
Brown	X			Jackson	X			Rohan Green			X
DiBello	X			Lloyd	X			Witt	X		X
Earlen	X			McGlinchey	X		X	Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Date: MARCH 11, 2014


 Nancy Wittenberg
 Executive Director


 Mark S. Lohbauer
 Chairman



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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

REPORT ON THE PROPOSED LONG TERM COMPREHENSIVE PLAN FOR TREATMENT AND DISPOSAL OF WASTEWATER FROM THE TOWN OF HAMMONTON

FINDING OF FACT

March 13, 2014

Executive Summary

The Town of Hammonton operates a wastewater treatment plant with an approved design flow of 1.6 million gallons per day (MGD). The plant currently receives flow on the order of 1.0 MGD. Flows to the treatment plant increase significantly during and after singular extreme precipitation events and prolonged periods of above normal precipitation.

Pursuant to the Pinelands Comprehensive Management Plan (CMP), treated effluent from the plant cannot be discharged to Pinelands surface waters and instead is to be land applied to recharge the local aquifer. Land application and subsurface infiltration of treated wastewater provides wastewater renovation that is not attained via a surface water discharge.

Hammonton constructed a wastewater land application facility, commonly referred to as the Boyer Avenue Land Application Facility (LAF) to comply with the CMP prohibition on wastewater discharges to Pinelands surface waters. While the LAF facility was designed to infiltrate a minimum of 1.6 MGD, it has failed to consistently function as intended. This has resulted in Hammonton discharging large volumes of treated wastewater for prolonged periods to Hammonton Creek, in violation of the CMP.

In February 2011, as part of Hammonton's application for a public development approval for an increase in Kirkwood-Cohansey water allocation, the Pinelands Commission required the town to develop, in consultation with Commission staff, a long term plan for the treatment and disposal of wastewater. The goal of the plan is to abate the long-standing CMP violation and permanently eliminate Hammonton's discharge of wastewater effluent to Hammonton Creek.

Hammonton's Long Term Comprehensive Wastewater Plan (LTCWP) primarily relies upon the construction of overland/ surface and underground/subsurface wastewater drip irrigation systems at the LAF facility. Hammonton's professionals report that the drip irrigation system, when operated in conjunction with the existing infiltration trenches at the LAF will infiltrate the entire 1.6 MGD sewage treatment plant design flow.

The LTCWP also incorporates water conservation measures intended to reduce flow to the plant, identification and rehabilitation of problematic components of the Town's wastewater collection system that are subject to inflow or infiltration which allows groundwater intrusion and stormwater infiltration

into the sanitary sewer system and maintenance activities intended to maintain the facilities' infiltrative capacity.

Commission staff has reviewed the LTCWP and finds that it significantly enhances the Town's ability to infiltrate wastewater effluent at the LAF. Staff is concerned however with seasonal limitations that are likely to impact the majority of the drip irrigation system. To avoid damage due to freezing, the overland drip irrigation system and the shallow subsurface drip irrigation system will need to be drained and winterized during that time of year that the Town has often found it necessary to discharge its wastewater to Hammonton Creek.

Staff is also concerned with the Town's originally proposed twenty five year schedule to identify and replace problematic sewerage system components. The timely rehabilitation of problematic components of the Town's wastewater collection system that are subject to inflow or infiltration will best address wet weather sewage flows and for this reason, staff is recommending that the Town's originally proposed twenty-five year schedule to replace "problematic" sewer lines be accelerated and be completed in no more than ten years, As noted in Section I.d, below, within two years of the adoption of Resolution No. PC4-14-10, the Town shall complete the inspection of all potentially problematic vitrified clay sewerage pipelines, manholes and manhole covers and shall complete the rehabilitation of all problematic collection and conveyance system components within eight years of completing the two year inspection program.

Staff finds that timely implementation of all aspects of the LTCWP is essential to eliminate the long standing stream discharge violation. Staff recommends that the Commission consider granting a conditional approval of Hammonton's LTCWP, the conditions of which are identified in the body of this report.

Background

The Town of Hammonton replaced and relocated its wastewater treatment plant in 1994 to meet effluent discharge requirements of the New Jersey Department of Environmental Protection (NJDEP). The plant, constructed in 1994, provides secondary wastewater treatment with nutrient reduction and disinfection.

Pursuant to the Pinelands Comprehensive Management Plan (CMP), specifically N.J.A.C. 7:50-6.84(a)1.i, the Town was required to cease all wastewater effluent discharges to Hammonton Creek. Hammonton Creek is classified under the New Jersey Surface Water Quality Standards (N.J.A.C. 7:9B) as an "Outstanding National Resource Water". Outstanding National Resource Waters are afforded the highest level of protection under the law and are to be maintained in their natural state. Changes in such waters are allowed only toward natural water quality.

Although the treatment plant meets or exceeds current New Jersey Pollutant Discharge Elimination System Permit (NJPDES) requirements, the plant discharges pollutants as defined at N.J.A.C. 7:14A-1.2. Further, effluent from the Hammonton sewage treatment plant does not match the natural quality of Pinelands surface waters. Any discharge of wastewater effluent to Hammonton Creek violates section 6.84 (a)1.i. of the CMP.

Through a series of court actions, the abatement of the stream discharge violation was delayed from 1991 through 2013. On or about October 23, 2001, Hammonton completed construction of the Boyer

Avenue Land Application Facility (LAF) required by the Pinelands Commission and, as directed by NJDEP, began to divert one third of the plant effluent (approximately 0.3 million gallons per day [MGD]) from its sewage treatment plant to the LAF for land application and groundwater recharge. The remaining portion (approximately 0.6 MGD) continued to be discharged to Hammonton Creek. In the second year of its operation, two-thirds of the plant effluent (0.6 MGD) was discharged to the LAF facility with one-third of the flow continuing to be discharged to Hammonton Creek.

During its second year of operation, it became apparent that the LAF was capable of infiltrating no more than 0.6 MGD, in contrast to representations made by the Town's professionals that the LAF facility was capable of infiltrating at least 1.6 MGD, the maximum design flow of Hammonton's sewage treatment plant.

Inadequate infiltration at the LAF resulted in additional action by the court and NJDEP, delaying the termination of the stream discharge from October 2003 until September 2013.

The Pinelands Commission and the Town of Hammonton jointly funded a USGS investigation of subsurface conditions underlying the infiltration facility to investigate the cause of inadequate infiltration at the LAF. After conducting an extensive investigation, USGS reported that the diminished infiltrative capacity of the facility was the result of aerially extensive fine grained (i.e., silt and clay) and (or) iron cemented strata that were found to underlie the facility. This investigation essentially ruled out constructing additional infiltration lagoons at the LAF due to the newly detected geologic limitations.

In an effort to improve wastewater infiltration, Hammonton modified the manner in which it hydraulically loads the infiltration lagoons. These modifications have improved infiltration; however, notwithstanding these operational modifications, the Hammonton sewage treatment plant continues to intermittently discharge substantial volumes (250,000 to 1,250,000 gallons/day) of wastewater effluent to Hammonton Creek. These discharges occur during and after severe wet weather events and prolonged periods of above normal precipitation. During the period of September 2011 through April 2012, stream discharge persisted for eight consecutive months. No stream discharge was reported during the period of early April 2013 through January 2014 but stream discharge has again resumed as of February 2014.

Current Status

During the period of lengthy and large scale reoccurring stream discharge violations, Hammonton sought approval from the Commission for an increase in water allocation. On February 10, 2011, the Commission found that the Town had satisfactorily demonstrated the need for increased allocation but was concerned that increased water use by Township businesses and residents would likely result in increased flows to the sewage treatment plant, potentially exacerbating the volume, frequency and duration of stream discharge violations.

In response to this concern, the Commission approved an increase in total water allocation to Hammonton with the condition that during the period of December 10, 2010 through December 10, 2013, the proposed increase in potable water allocation would not result in increased wastewater discharges to Hammonton Creek and that the Boyer Avenue land application facility would need to accommodate a minimum monthly average of 807,000 gallons of wastewater per day.

The Commission's February 10, 2011 approval also required that Hammonton prepare, in consultation with the Commission staff and submit to the Pinelands Commission for approval, a long term comprehensive plan for the treatment and disposal of wastewater. The Commission's approval further

stipulated that unless a long term wastewater plan was approved by the Commission prior to December 10, 2013, that Hammonton would need to cease all discharge of treated wastewater to Hammonton Creek by December 10, 2013.

The Commission did not approve a long term wastewater plan by December 10, 2013, as required. The Town's February 18, 2014 proposed long term comprehensive plan for the treatment and disposal of wastewater is the subject of this report.

Although the Town had managed to dispose of all of its wastewater onsite at the LAF facility during the period of April 2013 through January 2014, as noted above, the Town has reported that it has once again begun discharging wastewater effluent to Hammonton Creek as of late February 2014.

To date, Hammonton has not demonstrated an ability to consistently infiltrate all of its wastewater via land application and has not permanently eliminated the discharge of wastewater to Hammonton Creek.

Proposed Long Term Comprehensive Plan for the Treatment and Disposal of Wastewater from the Town of Hammonton

On January 2, 2014, the Town submitted a document entitled: Long Term Comprehensive Plan for the Treatment and Disposal of Wastewater from the Town of Hammonton, (hereinafter LTCWP). That plan was subsequently revised and resubmitted on February 18, 2014.

Implementation of the LTCWP is intended to eliminate the discharge of treated wastewater from Hammonton's sewage treatment plant to Hammonton Creek. The plan primarily relies upon the construction of an overland/surface and an underground/subsurface wastewater drip irrigation system to be constructed in phases at the LAF facility. To address inflow and infiltration of ground water and stormwater into the Town's sewerage system, the plan also proposes the rehabilitation of problematic components of the Town's wastewater collection system that are subject to inflow or infiltration. In addition, the plan incorporates water conservation and LAF operation and maintenance procedures.

1. Overland / Surface Drip Irrigation

The 26.47 acre overland drip irrigation system will be placed atop the ground surface in wooded areas of the LAF facility. Because of its exposure, it will be subject to freezing during winter months and thus will likely be taken off-line and winterized seasonally to prevent freeze damage. Winterization of the overland drip irrigation system is likely to render it inoperable during months in which the Town has found it necessary to discharge wastewater to Hammonton Creek.

Construction and operation of an 8.89 acre (Phase I) component of the overland drip irrigation system is proposed for Spring or early Summer of 2014. The entire 26.47 acre overland drip irrigation system is proposed to be fully operational by September 2014 (weather permitting).

The LTCWP states that "All work for the surface drip irrigation facilities will be funded independently by the Town with assistance from some additional funding sources that the Town is pursuing." Commission staff interprets this to mean that the Town will fully fund construction of the project if necessary, but will seek external sources of funding to offset direct cost to the Town. Importantly, construction of the surface drip irrigation system cannot be subject to the Town's ability to secure outside funding.

2. Underground/Subsurface Drip Irrigation

The LTCWP also relies on an underground or subsurface drip irrigation system that would be installed at two depths below developed athletic fields.

The shallow (8 inches below grade) subsurface system (A) is proposed to operate primarily during the turf growing season. The shallow subsurface system is also likely to be winterized during cold periods to prevent damage due to freezing.

The deeper (24 inches below grade) subsurface system (B) is likely to be operational year round, provided it's constructed in a manner that protects all of its components from freezing. The subsurface system is also proposed to be constructed in phases. The 7.47 acre (Phase I) subsurface system will reportedly be operational by the Fall of 2015. No construction date has been established for the remaining subsurface drip irrigation system phases (14.24 acres). Instead these phases are proposed to be constructed only if and when the LAF trenches, the 26.47 acre overland drip irrigation system and the 7.47 acre subsurface drip irrigation are incapable of infiltrating all of the Town's wastewater.

It is noteworthy that on February 21, 2014, the Town sought and received a Public Development Approval from the Pinelands Commission for a subsurface (underground) drip irrigation system that is inconsistent with the subsurface system proposed in the February 18, 2014 LTCWP. Plans submitted by the Town for the Public Development Approval propose a subsurface drip irrigation system consisting of four inch diameter infiltration pipe installed at depths of 8 inches and 36 inches below grade. In the LTCWP, the same system is described as consisting of 17mm (0.66 inch) diameter drip tubing installed at depths of 8 inches and 24 inches below grade. Revised plans must be provided to the Commission's Regulatory Programs office to seek modification of the Commission's February 21, 2014 Public Development Approval.

After reconciling the current system inconsistency, staff recommends that any proposed future change to the drip irrigation technology be subject to approval by the Executive Director. Staff further recommends that any proposed change to the LTCWP shall be subject to review and approval by the Pinelands Commission.

3. Drip Irrigation Expansion Areas

In addition to the 26.47 acre overland and 21.17 acre subsurface drip irrigation systems, the LTCWP also identifies approximately 14 acres of additional area as available at the LAF facility for potential future expansion of the drip irrigation system.

4. Inflow and Infiltration Control Program

In addition to the proposed drip irrigation systems, the LTCWP incorporates an inflow and infiltration (I & I) control program for the rehabilitation of select components of Hammonton's wastewater collection and conveyance system. The Town has indicated that problematic sewerage system components are the source of groundwater intrusion and stormwater infiltration into the sewerage system. I & I results in increased sewage flows during periods of wet weather which increases influent flows at the LAF, potentially resulting in effluent flows that exceed the infiltrative capacity of the facility. The plan identifies that 23,000 linear feet (LF) of sanitary sewer line have been replaced during the period of 2003 through 2012 and that an additional 10,000 LF of sewer line is scheduled to be replaced in 2014. Thus to date, approximately 19% of problematic system components have been rehabilitated and

approximately 8.2% of the problematic system components are scheduled to be rehabilitated in 2014 – 2015. The LTCWP identifies an additional 13,200 LF (approximately 10.9%) of problematic sewer pipe that has been identified but not scheduled for future rehabilitation.

In summary, 19% (approximately 22,990 LF) has been replaced, 8.2% (approximately 10,000 LF) is scheduled to be replaced, 10.9% (approximately 13,200 LF) has been identified but has not been scheduled for rehabilitation. The LTCWP, in at least some way, addresses the rehabilitation of approximately 38.1% (46,190 LF) of problematic sewerage system components. The rehabilitation of the remaining 61.9% (approximately 74,810 LF) of problematic sewerage system components are not directly addressed in the LTCWP.

The LTCWP reports that the Town intends to continue its efforts to prioritize the rehabilitation of problematic vitrified clay sewer pipe, vents and manholes and notes that the Town expects to continue to rehabilitate all of the problematic sewerage system components. The Town has requested that the Commission agree to a two year schedule during which the Town would inspect potentially problematic (clay pipe) portions of its sewerage system to detect inflow and infiltration problems. The Town proposes that this inspection work be performed over a two year period, during two consecutive seasonal high water table seasons.

Staff recommends that all sections of the problematic sewers prone to inflow and infiltration be rehabilitated within eight years of the completion of the two year sewer inspection program. In response to the Town's concern regarding the potential need to replace non-problematic sewer pipe, or the otherwise required replacement of pipe after all stream discharges are permanently eliminated due to the implementation of other measures (water conservation, drip dispersal, etc.), staff has included language in the proposed resolution that would authorize the Executive Director to hold the eight year sewer line rehabilitation schedule in abeyance if such work is no longer deemed necessary due to the elimination of stream discharges.

The Commission staff acknowledges the high cost of rehabilitating aging and problematic sewer lines. However, because of the seasonal inoperability of the entire surface and half of the subsurface drip irrigation system (shallow system), Commission staff can only recommend approval of a ten year (maximum) schedule (two year inspection program followed by an eight year rehabilitation program) for the testing and rehabilitation of problematic components of the Town's wastewater collection system that are subject to inflow or infiltration. As noted, at the discretion of the Executive Director, that schedule is both subject to possible acceleration or abeyance in the event of reoccurring stream discharges or the complete elimination of same.

5. Water Conservation Measures

The LTCWP also acknowledges significant measures implemented by the Town to achieve water conservation and thereby reduce sewage flows to the treatment plant. These measures are commendable not just for their ability to reduce flow to the sewage treatment plant and LAF but also reducing demands on the Kirkwood-Cohansey aquifer system.

Recommendations

The Executive Director recommends that the Commission consider granting conditional approval of Hammonton's LTCWP, dated January 2, 2014 and last revised February 8, 2014 with the following conditions:

I. Revised LTCWP

On or before April 30, 2014, the Town shall submit and the Hammonton Town Council shall endorse a revised LTCWP, subject to the Executive Director's approval. The revised plan shall incorporate the following changes:

- a. All references to "limited discharge" to Hammonton Creek in the LTCWP shall be replaced with "emergency discharge". The plan should note that the authority to declare an emergency as it relates to Hammonton's discharge of wastewater to Hammonton Creek rests solely with the Executive Director of the Pinelands Commission after consultation with the Commission Chairman, in accordance with N.J.A.C. 7:50-4.5.
- b. Section V. Sewer Connection Approval Program shall be deleted from the LTCWP.
- c. Construction and operation of the 26.47 acre overland drip irrigation system shall not be dependent on outside funding sources.
- d. The revised LTCWP shall incorporate a schedule for a rigorous inspection of all remaining (approximately 98,000 L.F.) potentially problematic vitrified clay sewerage pipelines within the Town's sewage collection system. The results of the inspection program, along with conclusions and recommendations, shall be submitted to the Commission under the signature and seal of a New Jersey licensed professional engineer within two years of the date of Commission's adoption of this resolution. The inspection program shall include visual inspections of all sewerage system manholes and covers, closed circuit television inspection of internal sewer lines and smoke and/or dye tests to identify groundwater entry into the collection system, and locations of illegal connections into the system (including but not limited to downspouts, sump pumps, storm water catch basins, yard drains, etc.) .
- e. The rehabilitation of all problematic manholes, manhole covers and vitrified clay sewerage pipelines identified as being prone to inflow or infiltration shall be completed within eight years from the date of the of Commission's receipt of the sewerage system inspection report identified and required in d. above.
- f. The revised LTCWP shall identify the specific safety concerns raised in the February 8, 2014 LTCWP. Proposed measures to abate specified safety concerns are subject to approval by the Executive Director of the Pinelands Commission after consultation with the Commission Chairman, in accordance with N.J.A.C. 7:50-4.5. Within 24 hours of taking emergency action, the Town shall notify the Executive Director of all actions taken to remedy or prevent conditions that are dangerous to life, health or safety.

II. LTCWP Implementation

- a. Hammonton shall implement all measures identified in the LTCWP that are intended to eliminate all wastewater discharges to Hammonton Creek.
- b. Hammonton shall not discharge treated wastewater by any means to Hammonton Creek except in the case of an emergency. The existence of an emergency, as it relates to Hammonton's discharge of wastewater to Hammonton Creek, is determinable solely by the Executive Director of the Pinelands Commission after consultation with the Commission Chairman, in accordance with N.J.A.C. 7:50-4.5. Any non-emergency wastewater discharge to Hammonton Creek that occurs for more than 30 days (continuous or discontinuous) during any rolling six month period shall result in the Executive Director requiring the immediate implementation of remedial measures (i.e., implementation and/or expansion of the below ground/ subsurface drip irrigation system or other new drip irrigation facilities, as determined by the Executive Director, and/or expedited rehabilitation of problematic sewerage system components, etc.).
- c. If the implementation of remedial measures, as identified and required in II. b. above does not commence within 30 days of the Executive Director's directive, the Executive Director shall call up all proposed development as being inconsistent with the water quality standards of the CMP.
- d. If the discharge to Hammonton Creek persists after the remedial action(s) required and identified in II.b and c. above are implemented, call-ups shall commence until additional remedial measures noted herein eliminate the stream discharge.
- e. Expedient implementation of the following measures may result in the Commission or Commission staff authorizing new development and associated sewerage flow to Hammonton's wastewater treatment plant before completion of the entire 26.47 acre surface/overland drip irrigation system, Phase I (7.47 acres of the 21.71 acre subsurface/underground drip irrigation system), and completion of the inflow and infiltration inspection and rehabilitation program. During the completion of the scheduled items below and approval of the revised LTCWP, required in I. above, the Executive Director is hereby authorized, on a case by case basis, to permit limited development proposed to contribute wastewater to Hammonton's sewage treatment plant. Such case by case authorization is subject to the Town's demonstrating to the satisfaction of the Executive Director that construction and activation of the following three items is proceeding at an adequate pace to meet the schedule noted in e. 1 through 3 below and that such new development will not result in the discharge of effluent to Hammonton Creek. However, delays which occur for any reason, including but not limited to delayed permit acquisition or delayed funding, will result in the Commission calling up development which proposes to connect to the Town's sewerage system until the improvements are fully built and operational.
 1. **Overland/Surface Drip Irrigation System Schedule:** The system shall be fully operational by September 30, 2014.
 2. **Phase I Underground/Subsurface Drip Irrigation System Schedule:** Construction of the 7.47 acre Phase I subsurface drip irrigation systems shall commence no later than April 30, 2015 and be completed by September 30, 2015.

3. **Inflow and Infiltration Inspection and Rehabilitation Schedule:** By September 30, 2014 the Town shall have committed funding for inflow and infiltration studies identified and required in I. d. and e. above, and shall prioritize the rehabilitation of all problematic sewerage system identified as prone to inflow and infiltration within ten years of the completion and submission of the inflow and infiltration report to the Executive Director.
- f. In order to permanently eliminate all wastewater discharges to Hammonton Creek, the following timelines should be implemented. However, in the event the Executive Director determines that all effluent discharges to Hammonton Creek are permanently eliminated prior to the construction of subsurface drip irrigation system phases 3, 4 and 5 and the complete rehabilitation of all remaining problematic sewerage system components listed below, the Executive Director will hold the sewerage system rehabilitation and subsurface drip irrigation system construction schedule in abeyance.
1. Within ten years of the Commission's adoption of Resolution No. PC4-14-10, Hammonton shall complete the rehabilitation of all problematic components of the Town's wastewater collection system that are subject to inflow or infiltration and shall prioritize the rehabilitation efforts to first target areas that are most prone to inflow or infiltration.
 2. Within five years of the Commission's adoption of Resolution No. PC4-14-10, construction of Phase 3 (5.24 acres), Phase 4 (1.47 acres), and Phase 5 (2.25 acres) of the subsurface drip irrigation systems shall be completed. Construction of Phase 2 (5.28 acres) of the subsurface drip irrigation system may proceed on an as needed basis, subject to cessation of all effluent discharges to Hammonton Creek.
- g. The Executive Director shall be notified within 48 hours of any discharge of wastewater effluent to Hammonton Creek. Notification shall include an explanation of the conditions that lead to the discharge, the daily volume of the discharge, the anticipated duration of the discharge, measures being taken to eliminate the discharge. Each daily discharge shall require a separate notification.
- h. Beginning on May 1, 2015, Hammonton shall submit an annual summary report to the Pinelands Commission detailing the status of all wastewater infiltration infrastructure, including the acreage of all drip irrigation infrastructure constructed and operational to date, infiltration system construction that is scheduled in the coming year, the dates, and volumes of all daily wastewater discharges to Hammonton Creek occurring in the preceding year, the monthly volume of wastewater disposed via each of the infiltration systems (trenches, overland/surface and underground/subsurface), the dates of operation and winterization of all infrastructure subject to winterization, the status of all sewerage system pipe and manhole testing and rehabilitation, and all maintenance activities conducted on the irrigation systems (trenches and drip) at the Boyer Avenue facility.
- i. The Executive Director may request that Hammonton officials appear before the Pinelands Commission at any time, regardless of stream discharge duration or frequency, to explain the occurrence of stream discharges and to make inquiries into the status of the Town's remedial actions.
- j. Any future amendments to the LTCWP shall be subject to review and approval by the Pinelands Commission.

III. Potential Document Conflicts

Should any section, clause, sentence, phrase or provision of the LTCWP, Executive Director's Report dated March 5, 2014, or any other document related thereto be inconsistent with the terms or conditions of Resolution No. PC4-14-10, such section, clause, sentence, phrase or provision of the LTCWP, Executive Director's Report or any other document related thereto shall be null and void to the extent of any such inconsistency.