

supply for the proposed area from the Jackson Township Municipal Utilities Authority from approved water allocations. The Jackson Township M.U.A. would also provide all water supply for irrigation purposes unless the Developer obtains the Department approval for the use of on-site well supplies. If such individual on-site well approvals are obtained, all wells would be constructed into confined aquifers in order to further satisfy the consumptive water use analysis and to minimize impacts to base stream flow. As an alternative, the Developer may also propose the use of wet ponds or other non-potable sources, which may become available, for irrigation water. No direct stormwater discharge to streams is proposed, which further satisfies the Nonpoint Source Pollution analysis. The Developer has proposed to direct all stormwater to stormwater detention basins, with post-development rates of runoff controlled in accordance with applicable regulations. Wet ponds shall be utilized for stormwater control throughout the entire planned retirement community. The applicant has proposed no encroachment within a 75-foot stream buffer zone in the proposed 75-acre expansion area; the same limitations shall be applied to the 325-acre tract unless approved by the Department under its permit rules and regulations.

The following maintenance standards and conditions are also being proposed through the Planned Retirement Community's Homeowner's Association: the management of pet waste by the establishment of "Pet Walks" and "Pooper Scooper Laws"; the establishment of a routine maintenance schedule for the cleaning of storm sewer inlets; the establishment of a semi-annual street sweeping program; the evaluation of alternatives to the use of road salts during the winter, including biodegradable materials; consultation with Rutgers Extension Service to establish recommendations and procedures for implementation of an Integrated Pest Management (IPM) Program for all landscaped areas in the Planned Retirement Community; participation in Ocean County's Household Hazardous Waste Collection Program; the preparation of brochures for distribution to prospective purchasers to describe the "environmentally friendly" design and maintenance standards, and the establishment of a program to provide signs to be placed at the limits of environmentally sensitive areas and common open space areas to clearly establish the limits of maintained turf areas.

This proposed amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. Additional issues which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

This notice is being given to inform the public that a plan amendment has been proposed for the Ocean County WQM Plan. All information related to the WQM Plan and the proposed amendment is located at the Ocean County Planning Board, Court House Square, PO Box 2191, Toms River, New Jersey 08754; and the Department, Division of Watershed Management, 401 East State Street, PO Box 418, Trenton, New Jersey 08625. The Department's file is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Division of Watershed Management at (609) 633-3812.

Interested persons may submit written comments on the proposed amendment to Mr. Alan Avery, Ocean County Planning Board, at the address cited above. A copy of the comments should be sent to WQM Program Docket, Division of Watershed Management, at the Department address cited above. All comments must be submitted within 30 days of the date of this notice. All comments submitted prior to the close of the comment period shall be considered by the Department in reviewing the amendment request.

Any interested person may request in writing that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period in this notice up to 30 additional days. These requests must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of this notice to WQM

Program Docket at the Department address cited above. If a public hearing is held, the public comment period in this notice shall be extended to close 15 days after the public hearing.

(a)

DIVISION OF WATERSHED MANAGEMENT

Adopted Amendment to the Cape May County Water Quality Management Plan

Public Notice

Take notice that on September 28, 2001, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Cape May County Water Quality Management Plan (WQMP) was partially approved by the Department of Environmental Protection (Department). The proposed amendment was published in the New Jersey Register on June 7, 1999, at 31 N.J.R. 1532(b), and a public hearing was held on July 27, 1999. The Department is adopting a portion of the proposed plan as described below.

The approved amendment includes a consolidation of the existing Wastewater Management Plans for Upper Township, Woodbine Borough, Dennis Township, Middle Township, and Lower Township into the Cape May County Water Quality Management Plan. This amendment provides for the expansion of sewer service areas to the boundaries of the approved Coastal Centers of Swainton, Cape May Court House, Whitesboro/Burleigh, Rio Grande, and Green Creek. Approval of these sewer service area expansions within the existing centers is conditioned upon use of confined aquifer water from approved allocations for water supply to the approved sewer areas for all new development.

This amendment also approves the following discharge to groundwater projects within the Dennis Township centers. Approval of these areas is conditioned upon the use of the unconfined aquifers for water supply. Use of the shallow aquifer system with onsite subsurface wastewater disposal allows for recharge of the water back to the shallow aquifer system, thereby maintaining stream base flows.

1. American Resort Development (Clermont Center)—Block 261, Lots 16.01 and 16.02, approved for up to 20,000 gallons per day;
2. Clermont Business Park (Clermont Center)—Block 262, Lots 10, 11.02 through 11.18, approved up to 20,000 gallons per day;
3. Factory Outlet Center (Oceanview Center)—Block 242, Lots 1,2,5,6, and 7, approved for up to 20,000 gallons per day;
4. Ocean View Gardens Health Care (Oceanview Center)—Block 23, Lots 16.17 through 16.21, approved at 26,000 gallons per day;
5. Dolphin Square Shopping Center (Clermont Center)—Block 244, Lots 4 and 7, approved for up to 20,000 gallons per day.

Summary of Public Comments and Department Responses:

The individuals listed below submitted written and/or oral comments on the proposed plan. The number in parenthesis after each comment corresponds to the number of each commenter.

1. Josephine Kern
2. John E. & Eileen M. Post
3. Peter Koury
4. William & Ann George
5. Linda A. Colson
6. Lawrence & Elizabeth Stiles
7. Dolores & Leonard Pantaleo
8. Nanette LaCorte
9. Sylvia Hearl
10. Suzanne C. Ludlam
11. Jennifer Smith
12. Judy L. DeBrosse
13. Clara M. Carr
14. Larissa Smith
15. Heather Crompton
16. R.C. Corrado

17. Connie B. Corrado
18. Betty D. Bennett
19. Bette Ann Tucker
20. Mary E. Merklinger
21. Marilyn L. Miller
22. Lionel & Lorinda Desrosiers
23. Patricia Likens
24. Charlotte M. Kornicki
25. Madeline Sketser
26. Gerald Mason Sieber
27. Sandra Novick
28. Mr. & Mrs. Joseph Beidel
29. Marion Cleary
30. Susan & Michael Promengano
31. Margery H. Stineman
32. Frank DelCorie
33. Susan Sealwooh
34. Mary Trengrove
35. Autumn Malnnis
36. Ron Ferrell
37. Marion Cleary
38. Douglas Jewell
39. Joyce Jewell
40. Vilma Pombo
41. George Gilbert
42. Dolores D. Reese
43. Richard Reese
44. Joseph & Susan Polak
45. K. Jeanette Urquhart
46. Louis Weiner
47. Jean Cooper Fuschillo
48. Fred & Loretta Landgraf
49. Edwin W. Griffiths
50. Dr. Rita C. Schiavo
51. Alfred S. Campbell
52. Richard Baranzano
53. Kathleen A. Jamison
54. Samuel M. Gans, President, Dolphin Beach Club
55. Wayne & Nancy Sammis
56. Virginia Jenkins
57. Brain J. Murphy, Engineer
59. Gary S. Sawhill
60. John M. Barrett
61. Thomas L. Brand
62. Priscilla & Bill Hess, Owner, Colton Court Motor Inn
63. George E. Pechin, Owner, Peaches at Sunset
64. Craig H. Needles, Owner, Peaches at Sunset
65. Patricia M. Noonan
66. Marleen Murgitroyde
67. William Doan
68. Dale Rosselet
69. Albert Tartini
70. Helen Crivelli
71. J. & Mary Anne Hutter
72. Frank Colson
73. Frank Colson
74. Louise Zemaitis
75. Paul A. Kosten
76. Carol & Tim Roe
77. James W. Davis
78. Sylvia Hearl
79. Carl F. Schupp
80. Marianne T. Giannon
81. Jean S. Bretherick
82. Beth A. Bretherick
83. Cheryl P. Bretherick
84. John N. Kernicky
85. A. Paul Bretherick
86. Donna B. Puhard
87. Michelle L. Hassis, Commissioner, West Cape May Borough
88. Jessie B. Herdic
89. Linda Colson
90. Mark & Sandra Nelson
91. Jany Baymor
92. Pamela M. Kaithern
93. Kevin Post
94. Kristen Hamann
95. Sheila Lego
96. James & Cheryl J. Wallace
97. Rhonda Van Wingerden
98. H.R. Bellows, Jr.
99. William & Tammy Chapman
100. Frank DelCorro, Jr.
101. Vince Elia
102. Susan & Norman Hafsrud
103. Florence Hayes
104. Joseph & Lorraine Kane
105. Susan B. Karaso
106. Stephen R. Knowlton
107. Nanette L. (illegible)
108. Robert Mazzille
109. Mary Turner
110. Joanne Clark
111. Sandra Kurtz
112. Mike Granigan
113. Dannielle Strouse
114. Susan Karan
115. Andrew W. Melchiorre
117. P.A. Hodgetts
118. S. Lego
119. Betty Ray Romane
120. Larry Romane
121. Mike Andrews
122. Joanne Andrews
123. Bob & Jane Foster
124. David Thomas
125. Linda Thomas
126. Kathleen & John Flynn
127. William A. Glasen
128. Margaret Parsons
129. Edith S. Schuhl
130. William Schuhl
131. Janet K. Fout
132. Mr. Pellechiazis
133. Abraham Aavdan
134. Christine L. Githens
135. Todd & Ellen Klein
136. R. & D. Connelley
137. Tom & Peg Parsons
138. Marcy & Dan Cunkelman
139. Janice S. Rudolph
140. Tony Price
141. Robert Mazzille
142. Karen Martellaro
143. Delia & Debra Unson
144. Chris Baker
145. Harry Fyock
146. Mark Gershman
147. Fred Mears
148. Emmy Haas
149. Jim Newman
150. Jane Bell
151. Pat Bell
152. Celia Lawrence
153. D. Coates
154. Elizabeth Karding
155. Ms. Linn
156. Bonnie Smith
157. Robert G. Hunsicher
158. Hedwig Hunsicher

159. Dyan Conaway
160. Mark Conaway
161. JoAnn Basgall
162. Margaret Myers
163. William Myers
164. Linda Roberts
165. George Myers
166. Claudia Steele
167. Donna DeGrandis
168. Charles Roberts
169. Paul Lehman
170. Ruth Frank
171. Judith Owens
172. Jane Bruhn
173. Pamela Seretary
174. S. Peterson
175. Amy Price
176. Marilou Rochford
177. Wayne & Nancy Sammis
178. All Season's Marina
179. Boulevard Liquor Store
180. Cape May County Bridge Auth.
181. Debbie's Dogs N. Buns
182. Obadiah's Restaurant
183. Obadiah's Seafood Market
184. Yesterday's Restaurant
185. Vaughan's Farm Market
186. Robert C. Patterson, Jr., Exec. Director, Cape May County Chamber of Commerce
187. Stephen & Christine Bradway
188. Marjorie L. Zook
189. Gordon Shaffner
190. David Beyel
191. June Tartala
192. Curtis O. McDaniel
193. Charles H. Vandigrift
194. Deborah Vandigrift
195. Carl Bennett, Jr.
196. J. Eric Gundrum
197. William R. Neil, Director of Conservation, NJ Audubon Society
198. Bill Wolfe, Policy Director, Sierra Club
199. Richard G. Bizub, Pineland Preservation Alliance
200. Clay & Patricia Sutton
201. Abigail Fair, Director, Association of NJ Environmental Commissions
202. Leonard C. Desiderio
203. Andrew Previti
204. Steve Sheftz
205. Corrine Robinson
206. Jeff Tittel, Director, NJ Chapter, Sierra Club
208. Richard Hluchan
209. Derby Bennett
210. Brian McDermott
211. Joseph Lomax
212. Melvin Williams, Sr.
213. Charlotte Todd
215. Gordon Shaffner
216. Tony Totah
217. Robert Jackson
218. Steve Morey
219. Linda Tomlin
220. Ed Griffiths
221. Anita VanHeeswyk
222. Chris Barone
223. Angela Anderson
224. Irene Jamison
225. Dave Bucciarelli
226. Don Kirchhoffer
227. Russell Buckingham
234. Pat Sutton

235. Lauren Darosier
236. Brian McPeak
237. Jean Fuschillo
238. James Beil
239. Clay Sutton
240. Larry Newbold
241. Michelle Hassis
242. Jody Alessandrini
243. Gene Swift
244. Jody Carrara
245. Robert Palini
246. Jonas C. Vold
247. Frank McLaughlin
248. John Oberg
249. Hillary Pritchard
250. Marilyn Miller
251. Janny Baymore
252. Ruth Fisher
253. Pam Kather
254. Nama Cordr
255. Andrew Previti
256. Mary Lou Doan
257. Don & Jean Bretherick
258. Alex Wolfington
259. Fran Bennell
260. Daniel O'Connor
261. Susan Corasso
262. Sandra Novick
263. Brian Murphy

1. COMMENT: The WQMP should be approved as proposed. (186-190, 208, 211, 215, 222, 227, 236, 248, 258)

RESPONSE: The Department has determined that the proposed WQMP should not be approved in its entirety, but that approval of specific portions would be appropriate. Particularly, for the reasons set forth below, the Department has determined not to adopt those portions of the proposed WQMP that included expansions of sewer service areas to areas located outside of coastal and CAFRA centers, as established in the Coastal Zone Management Rules at N.J.A.C. 7:7E.

At the public hearing on the proposed WQMP and in written comments, many members of the public objected to the proposed WQMP. The commenters expressed concern that the proposed expansions of sewer service areas would exacerbate existing problems of water supply and salt water intrusion within the County, or would encourage water quality degradation through excessive development.

After publication of this proposed amendment notice, in January 2000, Governor Whitman issued Executive Order No. 109(2000). This Order directed the Department prior to making any final decision on an application to perform environmental analyses including, but not limited to, non-point source pollutant loadings, depletive/consumptive water use, and detailed land use analyses, for projects covered under N.J.A.C. 7:15-5.1.

The proposed amendments appeared in the New Jersey Register prior to the issuance of Executive Order No. 109(2000) (EO 109) on January 11, 2000. Pursuant to EO 109, alternatives analysis of pending amendments such as this one may only be required in cases where the Department determines that significant water resource issues exist.

After reviewing the public comments and existing water quality studies and information, and in light of Executive Order No. 109, the Department determined that it could not adopt the WQMP as proposed, but that the proposed sewer service expansions should be limited because of environmental concerns including saltwater intrusion as discussed in more detail below.

On November 30, 2000, the Department, Cape May County and Middle Township entered into a Consent Order to address the proposed WQMP and certain other related issues. The Consent Order specified that the Department would perform the required Executive Order No. 109 environmental analyses in the coastal and CAFRA centers (centers) to allow the WQMP amendment process to move forward. The Department determined that water supply in Cape May was a significant water resource issue. As a result, the Consent Order specified that Executive

Order No. 109 consumptive water use analysis would be required for this amendment.

For the purposes of this evaluation, the Department divided the centers into three categories based on the predominant proposed wastewater management alternatives in those centers. These categories were (a) centers with no expansion of sewer service areas or wastewater management modifications proposed, (b) centers with proposed sewer service area expansions or wastewater management modifications and (c) centers for which modifications to existing WMP's are proposed that are located in Middle Township.

To satisfy the Consent Order and EO 109, the Department first compared the proposed WQMP and WMP amendments with the existing local WMP's to determine what amendments were proposed by the WQMP. The proposed WQMP was designed to amend the existing regional WQMP with updated planning, information, and to create a regional WMP from the existing local WMP's.

Of the 29 centers within Cape May County, no expansion of sewer service areas or modification of wastewater management was proposed for 18 of these centers. These 18 centers are Petersburg, Ocean City, Sea Isle City, South Seaville, Dennisville, Eldora, Avalon, Stone Harbor, Del Haven, Rio Grande, The Wildwoods, The Villas, Town Bank/North Cape May, Diamond Beach, Schelleger's Landing, Cape May City, West Cape May, and Cape May Point. The county WMP restated and in some instances clarified the details of the former local WMP's for these centers. All wastewater management alternatives and sewer service areas for these centers are adopted as proposed with service area designations reflecting the amended provisions at N.J.A.C. 7:15-8.1.

The Department next evaluated the proposed sewer service area expansions or wastewater management modifications in the remaining 11 centers to determine if a consumptive use analysis was appropriate. The Department defines consumptive water use as the withdrawal of water from a surface or groundwater supply where the water, once used, is not discharged or otherwise recycled back into the same surface or groundwater supply at or near the withdrawal location. Regional wastewater collection and treatment systems that discharge to the ocean are examples of major consumptive water uses. Depending on the aquifer from which water is withdrawn, substantial consumptive use is often a cause of stream base flow depletion or saltwater intrusion into the aquifer.

Statewide, the Department approaches consumptive water use analyses in two ways, through (a) project specific water balances which evaluate the effects of the wastewater management alternatives on base stream flows, or (b) a performance standard approach which specifies that a wastewater management alternative subject to an amendment must meet a goal of no net decrease in base stream flow. Water use and wastewater management conditions are incorporated into the amendment approval to accomplish the base flow goal. The performance standard approach is used when there is insufficient project-specific information to conduct the water balance approach.

The proposed Cape May County WQMP amendments in Upper and Dennis Townships contained one project with a discharge to groundwater to which EO 109 analysis applied, Oceanview Gardens Health Care. As there was insufficient project specific information to conduct the water balance approach, the Department selected the performance standard approach for this project. The Department concluded the project would meet the performance standard and, therefore, is approving the wastewater management alternative for this project with a discharge to groundwater greater than 20,000 gallons per day (gpd) in the center as proposed, with water conservation measures. These measures may include limited clearing of native vegetation, limited areas requiring irrigation, use of drought resistant native vegetation for landscaping, use of water conserving irrigation systems, use of low flow faucets and shower heads and low flush toilets, and implementing wastewater reuse where feasible. These measures will ensure compliance with the performance standards in that they will reduce overall consumptive and depletive use and return as much water as possible back to the aquifer.

The Department believes that the amendment conditions are best achieved through the development and implementation of local ordinances to address water conservation and consumptive water use. The Department will work with the Cape May County Planning Board to

assure that these conditions have been met for individual projects until such time that ordinances have been developed.

The center discharges to groundwater of less than 20,000 gpd are not subject to Executive Order No. 109 requirements and are approved. These projects include the American Resort Development, Clermont Business Park, Factory Outlet Center and Dolphin Square Shopping Center. However, the Department strongly recommends that the municipalities adopt water conservation ordinances that will address the consumptive water use concerns of using the unconfined aquifer for irrigation.

The remaining centers for which modifications to the existing WMP's were proposed in the Cape May County WMP are located in Middle Township. These centers include Swainton, Cape May Court House, Whitesboro/Burleigh and Green Creek. Sewer service with regional collection, treatment, and discharge to the ocean are proposed for these centers.

The 1996 Statewide Water Supply Plan (SWSP) cited several reports specific to Cape May County including (a) Ground Water Hydrology and Simulation of Saltwater Encroachment, Shallow Aquifer System of Southern Cape May County, New Jersey, (b) Saltwater intrusion into Fresh Groundwater Supplies, Southern Cape May County, New Jersey, 1990-1991, (c) Evaluation of Saltwater Intrusion and Travel Time in the Atlantic City 800-Foot Sand, Cape May County, New Jersey 1992 by Use of a Coupled-Model Approach and Flow Path Analysis, (d) Environmental Limitations to Water-Resource Availability in Cape May County, New Jersey. The Department is currently working on updating the SWSP. As part of this update, the Department is reviewing a draft guidance document entitled "Saltwater Intrusion and Proactive Water Supply Planning in Cape May County, New Jersey." As explained in the SWSP, the reports indicate that saltwater intrusion is occurring in the southern Cape area in the unconfined and upper confined aquifers. This conclusion is supported by the "Saltwater Intrusion and Proactive Water Supply Planning in Cape May County, New Jersey" draft document. Studies indicate that the Atlantic City 800-foot sand aquifer has significant resources available, at least beyond the 2040 planning period. The 800-foot sand aquifer is a finite resource however, and the saltwater front is moving toward existing wells. Based on the 1998 United States Geological Survey Synoptic Survey, the water levels in the Atlantic City 800-foot sand wells continue to decline. The SWSP also states that the Cape May County Coastal Watershed will be in a water deficit situation by 2010, a fact restated in the county WQMP.

Future decisions regarding wastewater management amendment approvals for centers within Cape May County must be made in the context of the Department's impending water supply assessment and alternatives report which will determine a water balance and the related water supply alternative studies for Cape May County. This report will provide a basis for a regional water supply plan for Cape May County. The Department has recognized the need for a regional water supply plan in Cape May County since the early 1990's. Therefore, the Department's decision for the centers of Middle Township, relating water supply concerns to wastewater management, is to serve as an interim measure designed to meet immediate development needs.

The Department is approving the wastewater management alternatives for the centers in Middle Township in the county WMP. These centers are Swainton, Cape May Court House, Whitesboro/Burleigh and Green Creek. However, the general service areas for groundwater discharges have been adjusted to reflect service area designations consistent with the amended provisions at N.J.A.C. 7:15-8.1. Allowing Sewer Service within Coastal Centers is consistent with the Coastal Zone Management rules and the State Development/Redevelopment Plan goals of steering development and infrastructure into centers and utilizing existing infrastructure.

Approval of these amendments for sewer service areas within the existing centers is conditioned on the use of confined aquifers from approved allocations for water supply for all new development. The Department will require regional water supply planning as part of the approval of any new or expanded water allocations or well permits from these confined aquifers, which will be necessary to sustain the projected development in the centers.

In proceeding in this manner, the Department is coordinating water supply and wastewater management planning. Wastewater planning is directing regional sewer service to the centers of Middle Township and providing consistency with the new regulations. The subsequent water allocation permitting processes will assure that any future water needs will be provided for from the appropriate sources. The recommendations from the Cape May County water supply assessment and alternatives report required pursuant to P.L. 2001, c.165, may also require additional measures to be taken.

Because confined aquifers do not contribute base flow to streams, use of the confined aquifer system as a water supply source will not reduce the existing base flow of water to the streams in Cape May County. Protection of base flow from the shallow unconfined aquifers to the receiving freshwater streams is an important part of maintaining healthy surface water systems.

Wastewater from the Green Creek Center will be treated at the Lower Township Wastewater Treatment Facility which received WQMP amendment approval for a wastewater reuse project on December 21, 2000, (see 33 N.J.R. 594(a)). This December 2000 amendment also allows the Lower Township MUA to discharge 1.4 million gallons per day through spray irrigation for property owned by Lower Township and for irrigation at Ponder Lodge and Cape May National Golf courses. Spray irrigation of the effluent will allow recharge of the treated effluent to the shallow aquifer systems.

2. COMMENT: The proposed sewer service area within Swainton would subject the area to extensive development and should not be approved. (38, 39, 41, 43, 44, 212, 261)

RESPONSE: The Department is limiting the approved sewer service expansion to include the Swainton Coastal Center for reasons stated in the response to Comment 1; therefore, additional development will be limited. The approved WQMP is consistent with the Coastal Zone Management rules, which encourage the use of existing centers and infrastructure. By limiting sewer service areas to coastal centers, the Department believes it is discouraging sprawl outside of centers.

3. COMMENT: The sewer service area proposed for the Township of Middle would result in extensive development throughout the Township and should not be approved. (40, 45)

4. COMMENT: The sewer service area for the Township of Middle as proposed, should be adopted. (208)

RESPONSE TO COMMENTS 3 AND 4: The Department is limiting the approved sewer service area to the Coastal Centers of Middle Township for the reasons stated in the response to Comment 1. The approved WQMP is consistent with the Coastal Zone Management rules, which encourage the use of existing centers and infrastructure. By limiting sewer service areas to coastal centers, the Department believes it is discouraging sprawl outside of centers.

5. COMMENT: The proposed Cape May County College site should not be included in the sewer service area for the Cape May Court House area because it would impact threatened and endangered species habitat. (260)

RESPONSE: The Department is limiting the approved sewer service area to the Cape May Court House Center for the reasons stated in the response to Comment 1. The proposed college is located within that center. Also, the November 30, 2000 Consent Order referenced in that response outlines specific construction and design constraints for the proposed college site to address threatened and endangered species issues. These include limiting areas to be disturbed, creating additional riparian buffers to identified habitat areas of threatened and endangered species and establishing appropriate stream buffers to protect these natural resources.

6. COMMENT: Sewer service expansion should not include the Strathmere area because this would promote excessive development along the shoreline. (192-195)

7. COMMENT: Sewer service area expansion should include the northern end of Sea Isle and Strathmere. (48, 50, 53-57, 107, 176, 202, 203, 224, 225, 255, 259, 263)

RESPONSE TO COMMENTS 6 AND 7: The proposed WQMP did not propose to include the Strathmere area and did not propose any expansion of the sewer service area for Sea Isle City. Therefore, this approval does not include either of the referenced expansions. Any

expansion into these areas would have to satisfy the conditions set forth in the November 30, 2000 Consent Order regarding failing septic systems including securing vacant lands needed to accommodate any expansion of sewer service to these areas. Any such proposed expansion would require a WQM plan amendment. If such an expansion were proposed, it would be the subject of a separate notice and opportunity for comment.

8. COMMENT: Sewer service should not be expanded to include the property east of Pittsburgh Avenue in Cape May City, because this would impact wetlands and reduce wildlife habitat. (104)

RESPONSE: The Department is not approving sewer service to property east of Pittsburgh Avenue with this amendment. The extent of development and sewer service on the property will be subject to rulemaking, in accordance with *East Cape May Assoc. v. DEP*, 343 NJ Super. 110 (App. Division. 2001).

9. COMMENT: Sewer service should be expanded to areas of failing septic systems. (6-37, 39, 43, 44, 47, 49, 51, 52, 60, 61, 62, 63-64, 70, 107, 191, 200, 204, 210, 212, 218, 220, 222, 237, 239, 254, 261, 262)

10. COMMENT: Sewer service should be expanded to include the existing businesses with failing septic systems on Roosevelt Boulevard, Upper Township. (178-185, 190, 225)

11. COMMENT: The proposed sewer expansion in Lower Township to serve failing septic areas should be approved. (204)

RESPONSE TO COMMENTS 9 THROUGH 11: The Department will continue to work with the Cape May County Health Department to delineate and substantiate failing septic systems which may exist outside of the existing Coastal Centers within the county of Cape May to satisfy the conditions of the November 30, 2000 Consent Order entered into by the Department, Cape May County, and Middle Township which must be met before sewer service can be extended to such an area. This Consent Order includes failing septic systems in Upper and Lower Townships. Once the conditions of the consent order regarding failing septic systems for a particular area have been satisfied, the Department will propose a WQMP amendment. The Consent Order states "The extension of sewer service to such areas with failing septic systems will be conditioned on the DEP's receipt of the delineation of such areas from the County, DEP's agreement with such delineation, and the certification of the County Health Officer that the systems are failing, cannot be corrected, and present public health risks. Such extensions are also conditioned upon the County or municipality, as appropriate, providing DEP with the means by which the extension of sewer service will be limited to the existing homes or businesses with failing septic systems, will be limited to the existing wastewater flows from these properties, and will not result in an increase in the number of residential or commercial units on properties with failing septic systems. DEP approval of sewer extension as part of the 208 Plan shall be issued within fifteen days of these conditions having been satisfied."

12. COMMENT: The WQMP as proposed conflicts with the goals and objectives of the State Development/Redevelopment Plan and the Department's watershed management initiatives. (38, 40, 62, 63, 66, 77, 78, 87, 95, 106, 115, 117-174, 197-199, 205, 206, 207, 209, 213, 221, 226)

13. COMMENT: The WQMP will promote sprawl. (3, 7, 40, 69, 89, 91, 96, 101, 106, 176, 199, 200, 201, 206, 209, 223, 226, 244, 251).

RESPONSE TO COMMENTS 12 AND 13: By limiting sewer service to the approved Coastal Centers as indicated in the response to Comment 1, the approved WQMP is consistent with the Coastal Zone Management rules which encourage use of existing centers and infrastructure. By limiting sewer service areas to centers, the Department believes it is discouraging sprawl outside of centers. The Department believes that such an approach supports the goals of the State Development Redevelopment Plan (SDRP). In addition, the Department is in the process of integrating the WQMP and Watershed Management processes through the public, technical and other advisory groups that have been established for the Watershed Management Area 16 water quality management planning program. Future WQMP amendment proposals will be made available to the Watershed Management Area 16 Public Advisory Group for comment. Also, once a Watershed Management Plan has been developed by the Watershed Management Area 16 (Cape May Watersheds) Public Advisory Group and approved by the Department it

will be adopted into the WQMP and serve to guide the WQMP planning process.

14. COMMENT: The proposed WQMP fails to address potential impacts to the water supply resources of Cape May County. (1, 2, 3, 7-39, 42, 43, 45, 49, 61-68, 70, 71, 72, 75, 77-89, 92, 95, 97-100, 102, 103, 105, 106, 108-114, 117-175, 191, 197-201, 205, 206, 207, 213, 214, 216, 217, 221, 223, 226, 235, 237, 239, 240, 242, 244, 247, 250, 251, 253, 256, 257, 259, 260)

15. COMMENT: The proposed WQMP fails to address impacts to saltwater intrusion of the freshwater aquifer systems of the County. (7, 9-39, 43, 47, 197, 200, 201, 205, 206, 207, 213, 214, 217, 237, 239, 240, 244)

16. COMMENT: The proposed WQMP fails to address potential impacts to recharge areas of the County. (9-37, 39, 43, 67, 68, 81-86, 98, 100, 102, 103, 105, 109-114, 175, 197, 198, 201, 205, 207, 213, 214, 217, 223, 240, 244)

17. COMMENT: The proposed WQMP fails to address wastewater reuse as a means of recharging water removed from the freshwater aquifers of the County for water supply. (6, 240)

RESPONSE TO COMMENTS 14 THROUGH 17: In recognition of the water supply situation in Cape May County, the Department is not adopting the proposed WQMP in its entirety but is limiting sewer service expansions to the coastal centers adopted by this amendment, as stated in the response to Comment 1. In addition, the Department is approving these sewer service area expansions conditioned upon use of confined aquifer water from approved allocations for water supply, because this water supply source to the approved sewer areas will not reduce the existing base flow of water to the streams in Cape May County. Protection of base flow from the shallow unconfined aquifers to the receiving freshwater streams is an important part of maintaining healthy fresh surface water systems. P.L. 2001, c.165, enacted July 20, 2001, provides \$2,000,000 for a "sustainable water supply alternative and assessment report" for Cape May County. The findings from this report, in conjunction with the water allocation diversion permit process, will address the salt water intrusion and recharge issues in all freshwater aquifers of the County. In addition, the future water supply plan will include an alternative water supply cost effectiveness study, groundwater hydrologic survey, and alternative water supply design. This effort will be integrated into the Watershed Management efforts already underway in Cape May County. The Department also supports and encourages wastewater reuse projects to address water supply issues. On December 21, 2000 the Department approved an amendment which allows the Lower Township M.U.A. 1.4 million gallons per day wastewater reuse project. The approval of this WQMP/WMP is conditioned on the adoption of local ordinances, which impose water conservation measures, including wastewater reuse measures. In lieu of these local ordinance requirements, the Cape May County Planning Board may certify that for an individual project that the provisions listed above have been satisfied.

18. COMMENT: The WQMP will promote overdevelopment and fails to address the secondary impacts from that development. (2, 4, 5, 8-37, 39, 47, 65, 66, 67, 68, 69, 71-74, 76-176, 197-201, 206, 209, 216, 219, 220, 221, 234, 235, 237, 238, 240-247, 249, 251, 252, 253, 256, 257, 260, 262)

19. COMMENT: The proposed WQMP fails to address stormwater runoff and water quality issues as related to increased development. (66, 67, 81-86, 95, 117-174, 198, 200, 201, 206, 216, 239, 244, 257)

20. COMMENT: The proposed WQMP will adversely affect threatened and endangered species habitat. (8-37, 39, 43, 94, 96, 97, 98, 100, 102, 103, 105, 109-114, 176, 207, 244, 252)

21. COMMENT: The proposed WQMP will adversely affect important wildlife habitat and natural resources of Cape May County. (8-39, 43, 45, 47, 66, 71, 77, 94, 96-100, 102, 103, 105, 108-114, 175, 176, 197, 198, 205, 207, 216, 234, 244, 249, 252)

RESPONSE TO COMMENTS 18 THROUGH 21: The Department recognizes the significance of these environmental concerns. However, by limiting new sewer service areas to centers designated in accordance with the Coastal Zone Management rules, impacts on the natural resources in Cape May County will be minimized. In this adoption, the Department and Cape May County have reduced throughout the county the proposed sewer service areas for groundwater discharges and for

regional sewer service areas that discharge to the ocean via the regional treatment facilities. Through these reductions in sewer service area, the related growth that may have impinged on environmentally sensitive areas has also been limited. In addition, new proposed development outside of centers will be subject to the applicable environmental and alternatives analyses of Executive Order No. 109 as part of the wastewater management planning process, and to the Coastal Zone Management Rules and other appropriate permitting processes. Further, those projects in centers that are subject to Coastal Zone Management Rules, Freshwater Wetlands, Stream Encroachment, or Water Supply regulations, including those projects facilitated by the sewer service approved herein, will undergo the environmental review required by those laws. Issues such as nonpoint source pollution, threatened and endangered species, wildlife habitat and natural resources will be addressed as required at that time.

22. COMMENT: The WQMP should address thermal pollution impacts on the Great Egg Harbor River from the thermal discharge of cooling water from the B.L. England Generating Station in Upper Township. (252)

RESPONSE: The comment is beyond the scope of the proposed amendments. The discharge from this facility is permitted under the New Jersey Pollution Discharge Elimination Program and any thermal discharge must meet the requirements of that permit.

This amendment represents only one part of the approval process and other issues may need to be addressed prior to final permit issuance. Additional issues which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

(a)

DIVISION OF WATERSHED MANAGEMENT

Adopted Amendment to the Tri-County Water Quality Management Plan Public Notice

Take notice that on January 15, 2002, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Tri-County Water Quality Management Plan was adopted by the Department of Environmental Protection (Department).

This amendment proposal was submitted by the Mansfield Township Board of Education and the Northern Burlington County Regional School District to expand the sewer service area for the Mapleton at Mansfield (a.k.a., Mansfield Farms) Sewage Treatment Plant (STP). The expansion is intended to accommodate the construction of the proposed Millington Farms Elementary School and a new Northern Burlington District middle school. In addition, the existing Northern Burlington High School (NBHS), which currently is served by its own treatment plant, will be connected to the Mansfield Farms STP. The existing NBHS STP's discharge to surface water will be discontinued. The site for the proposed elementary school is Block 8, Lot 10.02. The site for the existing high school and proposed middle school is Block 8, Lots 10.1, 11.1, 11.05, 11.06, 11.07 and 12. All three school sites are located on Mansfield Road East, in Mansfield Township, Burlington County.

Siting of the elementary school was initially proposed within the Mansfield Farms development, on a site designated for municipal purposes and within the service area of the Mansfield Farms STP. Public concerns about the proximity of the site to a radio tower led to consideration of an alternative site. The proposed location is a parcel that has been donated to the Township, located on the south side of State Highway 68, south and west of Mansfield Farms. This parcel is adjacent to the existing high school. The Northern Burlington School District