

Sum

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE LOWER DELAWARE WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that on June 1, 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 Water Quality Management Plan was adopted by the Department of Environmental Protection (Department). This amendment to the Lower Delaware WQMP was submitted by the New Jersey Department of Corrections and will amend the Cumberland County Rural District Wastewater Management Plan to allow the expansion of the existing Bayside Correctional Facility to accommodate an increase of 352 inmate beds.

The correctional complex occupies a 992 acre site along the eastern side of Route 47 on Block 291, Lot 34 in Maurice River Township, Cumberland County. The sewage treatment plant (STP) for the correctional complex is located on a 29.2 acre parcel on the western side of Route 47 on Block 311, Lot 79 in Maurice River Township, Cumberland County. The expansion will generate a flow of 0.06 million gallons per day (MGD), resulting in an average wastewater flow at the STP of 0.61 MGD. There will be no increase in permitted effluent limitations for loading or concentration as a result of this increased flow. The renewal of the New Jersey Pollutant Discharge Elimination System (NJPDES) permit will reflect these circumstances. The sewer service area (SSA) is totally confined to the 992-acre correctional complex site and is under the jurisdiction of the New Jersey Pinelands Commission. The Pinelands Commission has approved a build-out population for the facility of 4545; the proposed 352-bed expansion will bring the facility to 4022 beds. There is no proposal to modify the SSA. The site of the existing STP is outside of the purview of the Pinelands Commission; it is subject to review under

the Coastal Area Facility Review Act (CAFRA). The STP is located in the Environmentally Sensitive Planning Area (PA5) as delineated in the "New Jersey State Development and Redevelopment Plan" (State Plan).

Notice of this proposed amendment proposal was published in the New Jersey Register on April 2, 2001 (see 33 N.J.R. 1143(a)). The notice identified a proposal to expand the planning flow to 0.67 MGD, which would accommodate 800 additional inmate beds. This is within the expansion that would be allowed by the Pinelands Commission approval; however, the Environmental Impact Statement (EIS) prepared under New Jersey Executive Order 215 (1989) (hereafter "EO 215") assessed only the 352-bed expansion. Comments received in response to the request for Statements of Consent from affected parties identified a concern with the difference between the expansion addressed in the EIS and that allowed by the proposed amendment. Although an additional EIS would be required for an expansion of the facility beyond the 352 beds, to ensure that there is consistency between the EIS and the proposed amendment, the adopted amendment is for the planning flow associated with a 352-bed expansion.

The proposed activities have been evaluated in accordance with New Jersey Executive Order 109 (2000) (hereafter "EO 109") and the Water Quality Management Planning Rules at N.J.A.C. 7:15-5.18.

The Applicant has not proposed a new sewage treatment plant or change in permitted loadings or concentrations. Discharge from this facility is to Riggins Ditch, which is a tributary of the Delaware Bay. The present permitted flow at the facility is 0.55 MGD and the plant is currently operating at capacity. Because there will be no increase in permitted loadings or concentrations, an anti-degradation analysis is not required.

The riparian corridor of Riggins Ditch and its tributaries will be maintained since the limit of disturbance from the proposed development is outside of the 75-foot top of bank buffer. The expansion of the facility will take place within existing disturbed areas inside

the correctional complex. Accordingly, there is no change in nonpoint source pollutant loadings associated with land use.

Stormwater runoff will be managed so as to encourage infiltration. To comply with the requirements for a CAFRA permit approval, the applicant has incorporated an overall reduction of impervious coverage at the STP. The applicant has implemented measures for beneficial reuse of effluent at the STP. Water is recycled via a non-potable water distribution system for plant wash downs and sludge press belt wash. This system reduces potable water use by an average of 5,000 gallons per day. In addition, the applicant is required to incorporate best management practices (BMPs) in conformance with all applicable State requirements including, but not limited to, the "Standards for Soil Erosion and Sediment Control in New Jersey".

Potable water is supplied by four wells at the complex that periodically exceed their existing water supply allocation. The source for the water supply is the Rio Grande water bearing zone of the Cohansey-Kirkwood aquifer. A fifth well has been drilled and a Water Allocation Permit Modification has been submitted to the Department to add allocation for this well. The current allocation from the four existing wells is 20 Million Gallons per Month (MGM). The applicant has requested an increase in allocation from 20 MGM to 37 MGM with the additional well.

Because the water source is from a confined aquifer (Rio Grande), a depletive/consumptive water use analysis was not required. A pump test at the proposed fifth well had no effect on the existing nearby Cohansey-Kirkwood wells or test wells, with respect to the confined unit as well as the overlying unconfined Cohansey-Kirkwood. One monitoring well was constructed 10 feet from the test well and during the pump test there was no water level draw down in that well.

In order to maintain long term ground water quality and quantity, groundwater quality monitoring for chlorides and sodium to ensure against salt water intrusion will be required with any increase in permitted allocation. In addition, the applicant will be

required to take steps to reduce overall consumption and per capita use by investigating methods to recycle or reuse a portion of water and consider the use of additional conservation devices.

Two comment letters were received, both from representatives of the County of Cumberland. The following persons timely submitted written comments.

1. James J. Seeley, Seeley and Jones, P. A., Special Counsel to Cumberland County
2. Robert G. Brewer, P. P., Planning Director, Cumberland County Department of Planning and Development

The timely submitted comments and the Department's responses are summarized below. The numbers in parentheses after each comment identify the respective commenter listed above.

COMMENT # 1: The Cumberland County Planning Board objects to any amendment to the Cumberland County Rural District Wastewater Management Plan to accommodate this project which does not involve its review and comment. (1)

RESPONSE #1: The County of Cumberland was sent, via Certified Mail dated March 29, 2001, a copy of the amendment proposal, along with a request for a Statement of Consent. The County of Cumberland was also sent a copy of the EIS for the 352-bed expansion. The EIS was approved in accordance EO 215. The EIS was forwarded to Robert G. Brewer, P.P., Planning Director of the County of Cumberland Department of Planning and Development, via mail from Remington and Vernick Engineers on April 30, 2001.

Additionally, the Department provides access to files on proposed amendments as was referenced in the Proposal Notice. Notice of this proposed amendment was published in both the New Jersey Register and in a secondary notice published in the Bridgeton Evening News on April 2, 2001. The Department believes the Cumberland County Planning Board has been provided ample opportunity to review and comment on the proposed plan amendment.

COMMENT # 2: It is respectfully submitted that the Department may not grant a permit for the construction of treatment works to accommodate an additional 800-bed prison expansion at the Southern State Correctional facilities based on an EIS for a 352-bed expansion.
(1)

RESPONSE # 2: In response to the concerns raised regarding the difference between the expansion analyzed in the EO 215 EIS and the proposed amendment, this amendment approval is limited to the planning flow associated with the 352-bed expansion. This expansion will generate a flow of 0.06 MGD, resulting in an average wastewater flow at the STP of 0.61 MGD.

As noted above, the EIS for the 352-bed expansion was approved under EO 215. The EIS was forwarded to Robert G. Brewer, P.P., Planning Director of the County of Cumberland Department of Planning and Development, via mail from Remington and Vernick Engineers on April 30, 2001. Any additional expansion of the facility to accommodate a further population increase will require an amendment to the Lower Delaware Water Quality Management Plan and the submittal and approval of a new EIS as per EO 215.

COMMENT # 3: One commenter indicated that, in order to conduct an informed review and take appropriate action, the environmental impact statement and other analyses for this proposal prepared as required under EO 109 must be supplied. (2)

RESPONSE # 3: The Commenter was sent, via Certified Mail dated March 29, 2001, a copy of the amendment proposal, along with a request for a Statement of Consent. The Commenter was also sent a copy of the EIS for the 352-bed expansion. Said EIS was approved under EO 215.

The amendment proposal was noticed in the New Jersey Register on April 2, 2001(see 33 N.J.R. 1143(a)). The Department's review of this proposal prior to notice in the New Jersey Register included a thorough review as required under the provisions of the Act, Rules and EO 109. The amendment proposal notice that appeared in the New Jersey Register addressed issues related to depletive and consumptive water use, land use, environmental build-out and pollutant loading for the expansion at the Bayside STP.

As noted above, in response to the concerns raised regarding the EO 215 analysis, this amendment approval is limited to the planning flows associated with a 352-bed expansion. This expansion will accommodate a flow of 0.06 MGD, resulting in an average wastewater flow at the STP of 0.61 MGD.

This amendment represents only one part of the various environmental permitting processes and other issues may need to be addressed prior to final permit issuance.

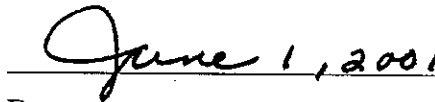


Mary T. Sheil

Director

Division of Watershed Management

Department of Environmental Protection



Date

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