

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE LOWER DELAWARE WATER QUALITY
MANAGEMENT PLAN (WQMP)

Public Notice

Take notice that on **SEP - 3 2008**, 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 Lower Delaware WQMP was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of Wawa, Inc., allows for a new on-site discharge to ground water wastewater treatment facility to serve the commercial development of a 5,589 square foot Wawa Food Market and 16 fuel dispenser pumps. The development is located at 759 Route 40 in Upper Pittsgrove Township, Salem County, on Block 56, Lots 1, 3, 4 and 5. Currently, a Wawa convenience store occupies the site, and is served by an individual septic tank. The existing Wawa will be demolished and the septic will be abandoned and replaced with the on-site wastewater treatment facility. The treatment facility that is to serve the proposed redevelopment is currently seeking a New Jersey Pollutant Discharge Elimination System (NJPDES) permit which is pending under NJPDES Permit # NJ0169889. The total projected wastewater design flow to the proposed on-site wastewater treatment facility, which has been calculated in accordance with N.J.A.C. 7:14A-23.3, is 3,200 gallons per day.

This proposed amendment has been reviewed in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. This evaluation determined that the threshold for Executive Order 109 (2000) (EO109) was not triggered, therefore alternative and environmental impact analyses were not required.

This amendment proposal was noticed in the New Jersey Register on May 5, 2008 at 40 N.J.R. 2290 (a). The following people submitted written comments on the proposal:

1. Nancy L. Merritt, Chair, Salem County Watershed Task Force
2. Tony Geiger, Conservation Coordinator, American Littoral Society

A summary of the comments on the proposal and the Departments' responses to those comments follow. The number(s) in brackets at the end of each comment corresponds to the commenter(s) listed above.

Comment: A non-adversarial public hearing is requested. (1) (2)

Response: The requesters both filed written comments with their requests expressing limited issues which were well enunciated in their comments. In this instance, the Department determined that the issues were fully detailed in the written submissions and that scheduling of a public hearing, and the resulting extension of the comment period that would result from holding a hearing, would not be likely to raise issues or provide new information, data or findings that were not previously raised or provided during the development of the amendment or during the initial comment period. The Department believes that adequate opportunity for comment was provided to all commenters on this amendment.

Comment: Any amendment to the Lower Delaware WQMP which impacts the Salem River and its tributaries, or any C-1 waterway, should be subject to stringent review and consideration by the Department. This is particularly important due to the proximity of the Wawa that is the subject of this proposed amendment to the headwaters of the Salem River, which is designated a C-1 waterway pursuant to the Surface Water Quality Standards (N.J.A.C. 7:9B). (1) (2)

Response: It was determined using the Department's Surface Water Quality Standards Geographic Information Systems (GIS) data layer that the proposed development is not located within 300 feet from the top of bank of waters designated as Category One Waterways. The site is also not within 150 feet of waters designated Trout Production or Trout Maintenance, nor within 50 feet of any other surface water. The site does not contain wetland or wetland transition areas. A direct surface water discharge to the headwaters of the Salem River would be cause for concern. However, this project proposes a groundwater discharge via onsite wastewater treatment. The groundwater discharge must comply with the conditions of their NJDPES permit, which assesses pollutant load, imposes limitations on pollutant load, and imparts monitoring requirements to ensure compliance with permit conditions.

Comment: Water quantity is a concern. The proposed Wawa is located in a water supply critical area zone in the PRM aquifer and this aquifer has been subject to overwithdrawal (i.e., salt water intrusion). All properties in the Township discharge to groundwater and are supported by private wells, while the agricultural lands, which occupy close to 70% of the Township, irrigate with well water. (1)

Response: The development will utilize the public well currently serving the existing Wawa (PWSID Registration # 1714310). While the expansion of the facility may result in some increase in water use, it is anticipated that any increase will be within the current registration limits. Wastewater will be treated and discharged back to groundwater with no significant excessive consumptive uses, therefore depletive and consumptive water use concerns are addressed. In regards to potable drinking water at the Wawa, the PWSID registration requires the local Health Department to inspect water supply from the well to ensure that the well is providing potable, non-polluted water.

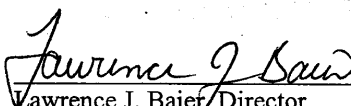
Comment: Under current regulations, the Department has the authority to require alternative analyses from the applicant prior to deciding its application to amend the Lower Delaware WQMP, including, but not limited to, analyses of depletive and consumptive water use and pollutant loading. Among the concerns about the pending application is the pollutant potential presented by a gasoline station of the proposed size, coupled with the volume of cars historically serviced at the applicant's stations statewide and the 24-hour nature of its business. (1)

Response: This proposed amendment has been reviewed in accordance with EO 109 and N.J.A.C. 7:15-5.18. The threshold for full EO109 analyses was not triggered, therefore alternative and environmental impact analyses were not required. Though a full EO 109 Analysis was not required, the Department still assesses these impacts. As discussed in the above response, depletive and consumptive water use is addressed as the proposed development will continue to utilize the existing on-site well for water supply and treated water is to be discharged on-site back to groundwater. Pollutant loading concerns pertaining to the wastewater discharge are addressed through the NJDPES permitting process as explained above. A non-point source pollutant loading/hydromodification analysis in regards to stormwater is the responsibility of Upper Pittsgrove Township. The applicant is to follow requirements of the Township and the Stormwater Management Rules (N.J.A.C. 7:8) in their stormwater management design.

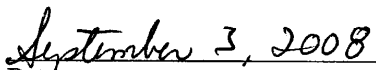
Comment: There is concern over the risk of ground water contamination associated with gasoline stations such as the Volatile Organic Compounds (VOCs) benzene, toluene, ethylbenzene and xylene. These issues are relevant to both this application and the pending application for a NJDPES permit. (1)

Response: The proposed underground storage tank (UST) is subject to the Regulations Implementing the New Jersey Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10 A, N.J.A.C. 7:14B). N.J.A.C. 7:14B includes registration requirements for the UST, design, construction and installation requirements, operating requirements, release detection requirements, and release reporting investigation and remediation requirements. Monitoring of the amount of product in the UST occurs on a continuous basis. Any release of gasoline or other hazardous substances would be subject to Department enforcement and clean-up requirements.

This 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: compliance with stormwater regulations; 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.



Lawrence J. Baier, Director
Division of Watershed Management
Department of Environmental Protection



Date