

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION

ADOPTED AMENDMENT TO THE LOWER DELAWARE & THE TRI-COUNTY WATER
QUALITY MANAGEMENT PLANS (WQMPs)

Public Notice

Take notice that on **MAY 25, 2011**, 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 and Tri-County Water Quality Management Plan (WQMP) was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of Landis Sewerage Authority (LSA), adopts a Wastewater Management Plan (WMP) for Vineland City in accordance with N.J.A.C. 7:15-5.2(b). The LSA WMP identifies wastewater management for the entire City of Vineland as well as three sites located outside of the City in adjacent municipalities.

Sewer service within the City of Vineland is primarily provided by the LSA Wastewater Treatment Plant (WTP), which is located at 1776 South Mill Road, City of Vineland, Cumberland County, and is currently permitted to discharge 8.2 million gallons per day (MGD) to the Kirkwood-Cohansey Aquifer under New Jersey Pollutant Discharge Elimination System (NJPDES) Permit number NJ0025364. The previously approved LSA Sewer Service Area (SSA) includes the entire City of Vineland as well as the currently served B & B Poultry Co. Inc. facility in Pittsgrove Township, Salem County, the Cumberland County College located in both the Cities of Millville and Vineland, Cumberland County, and the former Sechler Poultry/Meredith Farms Corporation in Franklin Township, Gloucester County. The LSA WMP identifies areas that are currently served by LSA as well as future SSA. The City of Vineland's Master Plan and zoning regulations limit high intensity growth to areas west of the Menantico Creek. The City identifies the area east of the Menantico Creek as a Rural/Conservation area for environmental and agricultural reasons. Accordingly, the future SSA excludes the Rural/Conservation area. The future SSA has been reduced from the previously approved SSA due to the exclusion of environmentally sensitive areas on undeveloped lands.

LSA currently receives wastewater from 21 industrial pretreatment facilities requiring Significant Indirect User (SIU) permits and will continue to receive these flows under the proposed WMP. There are additionally ten existing NJPDES permitted wastewater facilities, six of which serve mobile home parks, serving individual sites within the City of Vineland. There are five currently unpermitted wastewater treatment facilities, also serving mobile home parks. All individual subsurface sewage disposal systems (ISSDS) serving mobile home parks within the City of Vineland which are not located in the New Jersey Pinelands Management Area have been incorporated into the future SSA and are planned to be abandoned and connected to the LSA WTP. No expansions of flow for any on-site facilities are planned. The remainder of the City of Vineland is served by ISSDS with design flows of 2,000 gallons per day or less which discharge to ground water.

The LSA WMP identifies two facilities which are located within the City of Vineland municipal limits, but which are cutoff from the rest of the City by Route 55, and are served by the adjacent Millville WTP. These facilities include the Boy Scouts of America Southern New Jersey Council Main Service Center located on Block 1121, Lot 10 and a glass manufacturing facility owned by Friedrich & Dimmock located on Block 1127, Lot 3. Both facilities contribute process and sanitary wastewater to the Millville WTP, which is located at 355 Fowser Road, City of Millville, Cumberland County. The Millville WTP holds NJPDES Permit number NJ0029467. No increase in the SSA of the Millville WTP within the City of Vineland is planned.

This amendment has been reviewed in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. As part of this process, the applicant has performed an Environmental Constraints/Buildout Analysis, Ground Water Point Source Pollutant Loading Analysis, Nonpoint Source Pollutant Loading/Hydromodification Analysis, Depletive/Consumptive Water Use Analysis, Riparian Corridor Analysis, and Endangered and Threatened Species Analysis. A Surface Water Point Source Pollutant Loading Antidegradation Analysis was not necessary as there is no proposed expansion of any WTP discharging to surface water beyond the WTP's current permitted capacity.

The proposed LSA SSA Environmental Constraints/Buildout Analysis projects a total wastewater planning flow of approximately 10.75 MGD, which exceeds the current permitted flow of the LSA WTP by 2.55 MGD. Upon review of data submitted by LSA, dated January 24, 2011, the Department has determined with reasonable certainty that the existing available wastewater disposal area at the LSA WTP would be able to accept the proposed additional 2.55 MGD of wastewater. This determination has been made based solely upon the information submitted by LSA and is intended for the purposes of determining the feasibility of the expansion for Water Quality Management Planning purposes. This is not a determination regarding the issuance of the NJPDES-DGW permit modification.

The results of the Ground Water Point Source Pollutant Loading Analysis indicate that the current zoning densities outside of the future SSA do not demonstrate compliance with the groundwater protection planning standard of two mg/L nitrate. In the absence of the septic density analysis conducted on the HUC 11 basis through the Cumberland County Wastewater Management Planning process, in the interim the area outside of the proposed SSA has been designated as Restricted Septic Service Area, which is limited to planning flows of 2,000 GPD or less and less than six residential units. Any residential development proposing six or more units in this area must undergo a site-specific nitrate dilution analysis to ensure compliance with the nitrate dilution target of two mg/L.

The Nonpoint Source Pollutant Loading/Hydromodification Analysis has been addressed through the adoption of a Municipal Stormwater Ordinance (# 2006-110), adopted by the City of Vineland on December 26, 2006 and approved by the Cumberland County Planning Board on February 7, 2007. This ordinance assures that any future development in the City of Vineland addresses Stormwater Management in accordance with the Stormwater Management rules at N.J.A.C. 7:8.

The majority of the City of Vineland is to be served by the Vineland City Water and Sewer Utility. The Depletive/Consumptive Water Use Analysis demonstrated that sufficient water supply is available within the existing water allocation permit to serve the proposed development of the City. The City water wells are located in the Maurice River and Menantico Creek

(tributary to the Maurice River) watersheds and withdraw from the Kirkwood Cohansey Aquifer. As the Landis WTP utilizes a discharge to groundwater within the Maurice River watershed, no significant depletive water loss would result within the region.

The City of Vineland's Land Use Ordinance (#2008-39) is protective of stream corridors, however, the ordinance is not in full compliance with the State's Flood Hazard Area Control Act Rules at N.J.A.C. 7:13 and Water Quality Management Rules at N.J.A.C. 7:15. To satisfy the Riparian Corridor Analysis, stream corridor buffers have been removed from the future SSA on undeveloped and sub dividable lands. The buffer width ranges from a minimum of 50 feet up to 300 feet measured from top of bank (or centerline of a first order stream where no bank is apparent) on each side of the stream. The width of the required buffer is dependent on the stream classification as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B. The B & B Poultry, Cumberland County College, and former Sechler Poultry/Meredith Farms Corporation facilities that cross City limits do not encroach upon riparian corridors or their buffers, therefore Riparian Corridor ordinances were not examined for Pittsgrove Township, the City of Millville, or Franklin Township, respectively, as part of this analysis.

The Threatened and Endangered Species Analysis utilized the Department's Landscape Project Mapping Version 2.1 to identify all areas classified as Threatened and Endangered Species Habitat Rank 3, 4, or 5. Natural Heritage Priority Sites were also identified using Department Mapping. Areas identified in this analysis have been removed from the future SSA.

This amendment proposal was noticed in the New Jersey Register on November 1, 2010 at 42 N.J.R. 2637(a). Comments on this amendment were received during the public comment period and are summarized below with the Department's responses.

The following people submitted written comments on this amendment:

Number – Commenter Name, Affiliation

1. Max DeVane, Amy S. Greene Environmental Consultants
2. Dennis Palmer, Executive Director of LSA

3. Susan G. Robostello, City of Millville Clerk

A summary of the comments and the Department's responses follows: The number(s) in parentheses after each comment identifies the respective commenter listed above.

Comment: Why are Block 4506, Lots 4, 13, and 35 (also identified on DEP Parcel Mapping as Block 659, Lots 10, 13, and 15) proposed for removal from the future SSA? (1)

Response: Upon review, DEP has determined that the lots were mistakenly removed from the future SSA as a result of reliance on an older version of DEP's Landscape Project Mapping Forested Habitat Data Layer. These lots and contiguous adjacent lots which are also not environmentally constrained, and which are not within 50 feet of the nearby stream, have been returned to the future SSA, as they are currently not identified as Ranks 3, 4, or 5 habitats or priority areas.

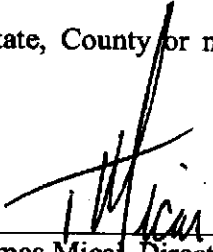
Comment: The commenter expressed concerns that the following wording in the preliminary notice raises an obstacle to the WMP adoption: "This WMP will not be adopted until such time as hydraulic capacity for the proposed expansion is verified through the NJPDES-DGW permit review." The NJPDES DGW permit modification should not obstruct the adoption of the LSA WMP as the NJPDES permit modification is a separate process to deal specifically with the verification and limiting of plant flows as well as permitting of hydraulic capacity. (2)

Response: The Department accepted additional hydraulic data, dated January 24, 2011, submitted by the applicant and, upon review, determined with reasonable certainty that the existing available wastewater disposal area at the LSA WTP would be able to accept the proposed additional 2.55 MGD of wastewater. This determination has been made based solely upon the information submitted by LSA and is intended for the purposes of determining the feasibility of the expansion for Water Quality Management Planning purposes. This is not a determination regarding the issuance of the NJPDES-DGW permit modification. Should the NJPDES analysis determine that a permit modification can not be approved; the LSA WMP will be amended to reflect this change.

Comment: The Board of Commissioners of the City of Millville would like to seek a plan amendment with the Landis Sewerage Authority to consider sewerage appropriate lands north of state Highway Route 55, but south of the City of Millville border not already in the sewer service area. In exchange the City of Millville would consider appropriate Vineland lands south of Route 55 and north of the City of Millville border be incorporated into the City of Millville's sewer service area. (3)

Response: Since the City of Millville's request was not originally part of the LSA WMP there has been no opportunity for public comment. There are several properties that would be affected and several entities involved. Additionally, there has been no information submitted showing that there are currently pressing development plans for the undeveloped developable lots, nor any information showing current documented septic problems causing potential public health concerns in the existing residential lots to warrant the need, at this time, to include these lots in the LSA SSA. The amendment that the Board of Commissioners of the City of Millville seeks could be considered as a future amendment to the adopted LSA WMP and considered for incorporation into the Cumberland County WMP.

Approval of this amendment does not eliminate the need for any permits, approvals or certifications required by any other Federal, State, County or municipal review agency with jurisdiction over this project/activity.



Thomas Mical, Director
Division of Land Use Planning
Department of Environmental Protection

Date

5/25/11