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DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE MERCER COUNTY WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that on SEP 24 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 Mercer County Water Quality Management Plan was adopted by the Department of Environmental Protection (Department). This amendment was submitted by Bristol-Myers Squibb Company (BMS). This amendment allows for a 342,600 gallon per day (gpd) expansion of wastewater at the 433 acre Hopewell Township site located at Block 8.01, Lot 46 along Pennington-Rocky Hill Road. After this amendment, total wastewater flow allowed in the WQM plan for the Hopewell site is 540,000 gpd, measured as a monthly average. Of the total flow, 240,000 gpd are sanitary wastewater and 300,000 gpd are industrial/laboratory wastewater. The increased wastewater flows are expected to be generated from development of the site in accordance with the General Development Plan approval granted by the Township which allows for an additional site buildout of 1.8 million square feet (msf). After build out, the site would have a total of 2.8 msf of laboratory and offices with an ultimate employee population of approximately 6,000. BMS is located at the former Mobil Technical Center and is currently permitted to discharge 172,400 gpd of wastewater on-site with an additional 25,000 gpd of domestic wastewater conveyed to the Stony Brook Regional Sewerage Authority Pennington Facility. Of the 540,000 gpd allowed under this adopted plan, 25,000 gpd will continue

to be conveyed to SBRSA. Of the remaining 515,000 gpd of generated wastewater, only 172,400 gpd is authorized to be discharged to the Stony Brook.

Although BMS is authorized to discharge up to 172,400 gpd to the existing on-site manmade basin, discharges to the waters of the State occur only during storm events. Based upon implementation of re-use technologies and strategic water management it is anticipated that there will not be an increase in discharge to the waters of the State above current conditions. A flow meter will be installed at the on-site manmade basin weir to monitor the amount of water being discharged to the Stony Brook in order to evaluate the on-site use methodologies. Gray water recycling systems will be installed in both new and select existing buildings. Water from the on-site manmade basin, which receives the treated wastewater, will be used, in addition to gray water and well water, in the HVAC (Heating, Ventilation and Air Conditioning) system. The gray water re-use system and use of water from the on-site manmade basin in the HVAC system will assist with the implementation of the Site Watershed Management Plan, the objective of which is to reduce the water discharged to the Stony Brook and the amount of water withdrawn from the on-site wells.

This amendment was evaluated in accordance with Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. As part of this evaluation, a Stormwater Management Plan for the BMS Facility has been developed to meet the requirements of N.J.A.C. 7:8. As part of the site development, BMS will create and maintain wetlands habitat areas surrounding the on-site manmade basins and areas adjacent to the Stony Brook in accordance with the Riparian Corridor Analysis. Non-point source pollutant loading (NPS) analysis for this site revealed that NPS loadings would continue to be retained and decreased at the BMS site based upon expanding the existing wet on-site manmade basin and extending and

upgrading the existing detention basin in concert with the utilization of other proposed stormwater BMPs. A Consumptive/Depletive Analysis was prepared by the applicant's consultant and submitted by BMS to the Department. The analysis was reviewed by the Department based upon BMS's existing water allocation permit. Water supply is provided by two on-site wells and an existing on-site manmade basin diversion. Based upon the full build-out of the site, additional water supply may be needed. BMS planned to utilize recycling/reuse and innovative technologies to manage their water use, however, BMS anticipated that if additional water were needed, their option would be to receive water from Elizabethtown Water Company. As shown in the documentation from the public hearings, the residents and the governing bodies of Hopewell Township were opposed to this option. BMS is not authorized to increase its permitted diversion of groundwater from the two on-site wells. A report prepared for Hopewell Township by M² Associates Inc., dated September 1, 2000, indicates the potential for diverting additional surface water from the on-site manmade basin. BMS may seek to modify their diversion from the on-site manmade basin. The modification will be handled in accordance with the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq. In addition, antidegradation will be satisfied due to the fact that there will be no increase in pollutant loadings from the discharged wastewater.

BMS will incorporate the watershed management approach to water resources at this facility. BMS is working closely with the Department and the Stony Brook-Millstone Watershed Association to develop and implement watershed methodologies and technologies to enhance water quality. Additionally, site development is limited to within the internal Loop Road area with the exception of the proposed day care building, with the surrounding lands being maintained as open space.

Hopewell Township initially consented to the amendment in May and September 1998. On June 1, 2000 the Township temporarily withdrew its previous approval of the amendment until such time as Township professionals could analyze the impacts of the proposal more fully. After obtaining and analyzing additional information on the proposal from BMS, the Township Committee consented to the amendment on March 1, 2001. The Borough of Pennington consented to the amendment on December 21, 2000. The Stony Brook Regional Sewerage Authority consented to the amendment on March 26, 2001.

Notice of this amendment proposal was published in the New Jersey Register on May 15, 2000 at 32 N.J.R. 1874(a). Notice of the amendment was also published in The Trenton Times on May 15, 2000 and the Hopewell Valley News on May 18, 2000. The Mercer County Planning Board held a public hearing on June 14, 2000, which was concluded on July 12, 2000. Public comments were accepted by the Mercer County Planning Board until July 27, 2000. As the designated Water Quality Management Planning agency for this area, the Mercer County Planning Board considered all comments and on September 20, 2000, the Mercer County Planning Board endorsed the amendment. On September 27, 2000, the Mercer County Executive recommended approval to the Department.

The following people submitted written and/or verbal comments on the amendment:

1. Bristol-Myers Squibb Company
2. Michael Aucott, Hopewell Township Environmental Commission
3. Carl Baldwin
4. Gloria and Irving Broudy
5. Tony Cifelli
6. Bob Craiger
7. John Edwards
8. Marylou Ferrara, Hopewell Township Mayor

9. Martha Funkhouser
10. Jim Gaffney
11. Joan Hall, Elm Ridge Area Neighborhood Association
12. Bob Higgins
13. Betsey Hoover
14. Maureen Kimball
15. Erich Lehmann
16. Carole Levin
17. Simon Levin
18. Kenneth Miller
19. Ray Nichols
20. Jane Nugent
21. Mary Penney
22. Joseph Silva
23. James Snedeker
24. Ted Stiles
25. Warren and Sara Wilson
26. Bill Wolfe, Sierra Club
27. Karl and Sophia Zaininger
28. Doug Ziedonis

A summary of significant issues raised by commentors follows. In addition to the comments summarized below, comments were received on other topics including traffic impacts, consistency with the State Development and Redevelopment Plan, the proposed Water Quality Management Planning regulations noticed in the July 3, 2000 New Jersey Register, and procedural issues. For a summary of those comments with responses and for more detailed responses to the issues referenced below, a computer disk copy of the comment/response document prepared by the applicant and endorsed by Mercer County, as the designated agency, may be obtained from the Department by contacting the Division of Watershed Management, Raritan Bureau at (609) 633-7020. Alternatively, an appointment to inspect the documents may be arranged by calling either the Mercer County Planning Division at (609) 989-6545 or the Division of Watershed Management at the above number. There were nine commentors that are not specifically identified in the comment/response document. However, Mercer County determined that the

comments made by these commentators were similar to other comments summarized and responded to in the document they endorsed. As part of the WQM plan amendment process, the Department reviewed the detailed comment/response document. The Department determined that the comment/response document endorsed by the County adequately summarized all comments received during the comment period. The Department further determined that, while it does not endorse all statements made in the comment/response document, the comment/response document adequately responds to the comments and the analyses conducted as part of this amendment support the responses given.

The major issues raised were related to:

1. Groundwater extraction;
2. Potential impacts on the Stony Brook;
3. Potential impacts on local water users;
4. Status of the Mobil Groundwater Remediation Program; and
5. New Jersey Pollutant Discharge Elimination System (NJPDES) Permit renewal status.

The following summarizes the information presented in those documents.

1. GROUNDWATER EXTRACTION

As part of this amendment proposal, questions were raised as to whether Bristol-Myers Squibb would increase their pumping of groundwater to support the approved development. Bristol-Myers Squibb does not plan to increase their current permitted withdrawal of groundwater. The existing Water Allocation Permit 2018P allows for the withdrawal of 5 million gallons per month (MGM) of groundwater. During the drought period of 1999, the monthly groundwater withdrawal averaged 4.3 MGM, with a peak monthly withdrawal of 4.9 MGM in June 1999. Accordingly, the Department has

determined that the amendment will not pose a significant concern with reference to the amount of groundwater that BMS is permitted to divert.

2. POTENTIAL IMPACTS ON THE STONY BROOK

As part of this amendment proposal, questions were raised regarding the potential impacts to the water quality of the Stony Brook relative to the increased wastewater discharge and additional non-point sources. The discharge of wastewater is regulated by the Department under a New Jersey Pollutant Discharge Elimination System (NJPDDES) Permit number NJ000795 that includes the monitoring of effluent and flow on a regular basis. Antidegradation of the surface water quality has been satisfied due to the fact that there will be no increase in pollutant loadings from the discharged wastewater. In addition, the wastewater from BMS's on-site wastewater treatment plant will be recycled and non-point source loadings will decrease due to the utilization of stormwater BMPs. Accordingly, the Department has determined that the discharge authorized by this amendment will not pose a significant impact to the Stony Brook.

3. POTENTIAL IMPACTS ON LOCAL WATER USERS

As part of this amendment proposal, questions were raised relative to the impact that BMS would have on other public community wells and private individual wells. The pumping of the existing Hopewell Campus water supply wells will not have an adverse impact on surrounding wells because Bristol-Myers Squibb does not plan to increase their current permitted withdrawal of groundwater. Accordingly, the Department has determined that the amendment will not pose a significant impact on local water users.

4. STATUS OF EXXON-MOBIL GROUNDWATER REMEDIATION PROGRAM

As part of this amendment proposal, questions were raised relative to the relationship of the on-going groundwater remediation project to BMS utilizing their existing groundwater wells, and whether increased pumping would cause the existing groundwater contamination to migrate. Exxon-Mobil has implemented soil remediation and continues to move forward with the Department to address groundwater contamination. This amendment will not adversely impact or impede Exxon-Mobil's ability to meet the Department's Industrial Sites Recovery Act (ISRA) requirements for remediation. Exxon-Mobil performs monitoring in a network of on-site wells and reports those results to the Department. In addition, Bristol-Myers Squibb does not plan to increase their current permitted withdrawal of groundwater. Accordingly, the Department has determined that the amendment will not pose a significant concern to the existing groundwater remediation project.

5. NJPDES PERMIT RENEWAL STATUS

As part of this amendment proposal, questions were raised relative to how this proposal would affect BMS' NJPDES permit renewal. In order for BMS to satisfy the requirements of antidegradation, BMS will be required in their NJPDES permit renewal to maintain existing loadings at or below the authorized levels in any future NJPDES permit.

The Department is in the process of renewing the existing NJPDES Discharge to Surface Water (DSW) and Discharge to Groundwater (DGW) permits based upon 172,400 gpd. At such time as BMS submits an application to increase their discharge, the Department

will require that loadings for any NJPDES permit issued will not exceed current authorized levels.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: effluent limitations; 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.



Mary T. Sheil, Director
Division of Watershed Management
Department of Environmental Protection

9/24/01

Date

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