

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION**

Adopted Amendment to the Monmouth County Water Quality Management Plan (WQMP)

Public Notice

Take notice that on **DEC 01 2015**, 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 Monmouth County WQMP was adopted by the Department of Environmental Protection (Department). This amendment, entitled “RMS Hospital and Mattie House”, submitted on behalf of the New Jersey Department of Treasury’s (Treasury) Division of Property Management and Construction, expands the Western Monmouth Utilities Authority (WMUA) sewer service area (SSA) by 123.48 acres. The amendment site is located in Marlboro Township, Monmouth County on Block 157, Lots 34.02 and 34.03 and on Block 159, Lot 11. This amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and P.L. 2011, c.203 as amended and supplemented by 2013, c.188. This notice represents the Department’s determination that the amendment is in compliance with the regulatory criteria pursuant to N.J.A.C. 7:15-5.24 and 5.25.

The above referenced properties are currently located within the Marlboro Psychiatric Hospital SSA on the adopted Monmouth County Future Wastewater Service Area (FWSA) map. This SSA is served by an on-site Sewage Treatment Plant (STP) owned by Treasury and permitted under New Jersey Pollutant Discharge Elimination System (NJDPES) permit number NJ0022586. This treatment plant, which is located on the Marlboro Psychiatric Hospital site was constructed in the 1930’s, and after an upgrade in the 1950’s, served the entire hospital complex of approximately 120 buildings. The treatment plant continued to serve the entire facility until the 1990’s when the Marlboro Psychiatric Hospital was closed. After the hospital closure, the treatment plant continued to accept the wastewater flow from the Mattie House Group Home on Block 157, Lot 34.03 and the RMS Hospital on Block 157, Lot 34.02 for treatment. Due to its age and failing condition, Treasury has determined it’s necessary to take the treatment plant offline and to complete the on-going demolition of the Marlboro Psychiatric Hospital complex, including the electric plant and the wastewater treatment plant. The Marlboro Psychiatric Hospital property is proposed to be owned by the Monmouth County Parks System for use as a County

Park. This amendment transfers the Mattie House, the RMS Hospital, and a 113.33 acre portion (not 113.3 acres as incorrectly stated in the preliminary notice published in the July 8, 2015 DEP Bulletin) of Block 159, Lot 11 (for eventual use by the Monmouth County Parks System), from the Marlboro Psychiatric Hospital STP SSA to the WMUA STP SSA. The portion of the SSA not being transferred has reverted to the Individual Subsurface Sewage Disposal Systems of 2,000 gallons per day (gpd) or less (septic area) designation. The projected wastewater flow, from the area to be transferred, calculated in accordance with N.J.A.C. 7:14A-23.3, is 40,000 gallons per day (gpd). This includes 32,750 gpd from the RMS hospital, 1,250 gpd from Mattie House, and 6,000 gpd from the 113.33 acre portion of Block 159, Lot 11.

N.J.A.C. 7:15-5.24 identifies several areas that are not to be provided sewer service due to their environmental sensitivity. Pursuant to N.J.A.C. 7:15-5.24(b), Environmentally Sensitive Areas (ESAs) are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One (C1) special water resource protection areas, and wetlands, alone or in combination. No such ESA's are included in the proposed SSA.

In accordance with N.J.A.C. 7:15-5.24(b)1, to determine areas designated as threatened or endangered species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, version 3.1. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), 4 (State endangered), and 5 (Federal endangered or threatened) are not to be included in proposed SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the project site has determined that no threatened or endangered species habitat exists on site.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not to be included in SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of the project site has determined that no Natural Heritage Priority Sites exist on site.

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along Category One waterways and their tributaries are not to be included in SSAs, except as provided

under N.J.A.C. 7:15-5.24(e) – (h). Two branches of a Category One waterway, the Big Brook and a Big Brook tributary, are located on Block 159, Lot 11. The tributaries and their 300 foot buffer areas are excluded from the sewer service area and no sewage producing structures are proposed for these portions of the property.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). Wetlands have been identified on the project site along the southern edge of Block 157, Lot 34.02. The provisions at N.J.A.C. 7:15-5.24(b)4, have been satisfied by the exclusion of the wetlands areas from the SSA.

Pursuant to N.J.A.C. 7:15-5.24(c), Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Planning Areas shall be excluded from SSA. There are no such areas on the site.

In accordance with N.J.A.C. 7:15-5.24(d)1, areas with Federal 201 grant limitations that prohibit the extension of sewers into specified environmentally sensitive areas are excluded from the SSA. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities), which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this amendment and compliance is required.

In addition to the environmentally sensitive areas with Federal 201 grant limitations, there are other special restricted areas, not applicable here, which must also be excluded from SSA pursuant to N.J.A.C. 7:15-5.24(d)2 through 4. Specifically, there are no beaches, coastal high hazard areas, or dunes on the project site.

In accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of the project is to be evaluated. However, P.L. 2013, c.188 allows the Department to approve the inclusion of land within a sewer service area notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modifications. Therefore, amendments to expand a sewer service area may be approved if such actions

are compliant with the applicable sections of the WQM Planning rules (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. Currently the Pine Brook Treatment Plant (NJ0023728) is permitted to discharge up to 8.8 Million Gallons per day (MGD) of treated wastewater to the Pine Brook. Based on an average of the monthly average flow for the most recent twelve month period for which discharge monitoring data is available, the existing wastewater flow discharged from the Pine Brook Treatment Plant was calculated to be 7.9 MGD. The projected wastewater flow for the amendment, calculated in accordance with N.J.A.C. 7:14A-23.3, is 40,000 gpd.

In accordance with N.J.A.C. 7:15-5.25(h)3, the water supply need of a site is to be evaluated. However, P.L. 2013, c.188 allows the Department to review amendments to a WQMP to allow for the inclusion of land in a sewer service area, where the amendment does not propose a specific project or activity. Without such information a review and determination of compliance with the water supply evaluation is not possible. Water supply for the RMS Hospital and Mattie House is provided by the Marlboro Township Municipal Utilities Authority (MTMUA) which holds PWSID 1328002. Water supply for any proposed development on the proposed Monmouth County Parks System portion of the property would also be provided by the MTMUA. The MTMUA is a public water system that withdraws water from the Farrington Aquifer. The location of the diversion is on Harbor Road. MTMUA is currently allocated 337 million gallons per month (MGM) and has a water supply surplus of 83.667 MGM established by Water Allocation Permit No. 5055. The presently existing water demand of the project, calculated in accordance with N.J.A.C. 7:15-5.25(f)1i, is 1.551 MGM (not 1.034 MGM as incorrectly stated in the preliminary notice that was published in the July 8, 2015 DEP Bulletin).

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater management is to be evaluated. However, P.L. 2013, c. 188 directs that there is a presumption that an engineered subdivision or site plan is not required. Without such information a review and determination of compliance with the Stormwater Management rules (N.J.A.C. 7:8) is not possible. The municipal governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development. Marlboro Township has an adopted stormwater management ordinance (No.2006-21); see N.J.A.C. 7:8-4. Marlboro Township is also required to implement the N.J.A.C. 7:8 requirements incorporated in the Residential Site Improvement Standards; see N.J.A.C. 5:21-7.

In accordance with N.J.A.C. 5.25(h)5, proposed development disturbance is not to be located in riparian zones except as provided under N.J.A.C. 7:15-5.25(h)i-vii. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act Rules, the Stormwater Management rules, and the Water Quality Management Planning rules. Riparian zones of the Big Brook (FW2-NTC1) and its tributary have been identified on Block 159, Lot 11. The required buffer width for Big Brook and its tributary is 300 feet. In accordance with N.J.A.C. 7:15-5.25(h)5i, the Riparian Corridor Analysis has been satisfied by the exclusion of the 300 foot buffer of the Big Brook and its tributary from the SSA.

In accordance with N.J.A.C. 7:15-5.25(h)6, proposed development disturbance is not to be located in areas with steep slopes, defined as any slope equal to or greater than 20 percent. There are no steep slopes on the subject site.

This amendment proposal was noticed in the DEP Bulletin on July 8, 2015 at Volume 39 Issue 13, pages 9-12. Comments, outlined below, were received during the comment period from Mayor Jonathan Hornik of Marlboro Township.

1. **Comment** - The above referenced properties are located within the A/LC (Agricultural/Land Conservation) zone district. This is the most restrictive zone district within the Township. As noted in the Township's Master Plan Reexamination of 2012, as a general Township policy, parcels located in the LC and the A/LC zones should not be serviced or located in the sewer service area. The amendment is inconsistent with Township policy relative to sanitary sewer service.

Response - The area being transferred to the WMUA STP sewer service area is already located within an existing sewer service area. The buildings onsite were served by the Marlboro Psychiatric Hospital STP sewer service area. This amendment does not expand the sewer service area; it only changes the location of where the wastewater generated by the existing Mattie House and RMS Hospital will be conveyed and treated. The wastewater currently discharged by

the Marlboro Psychiatric Hospital STP to the Big Brook, under its NJPDES permit, will be conveyed in the future to WMUA treatment plant. This amendment reduces the size of the prior sewer service on the Marlboro Psychiatric Hospital property by 67.3 acres and also represents a substantial reduction in treated wastewater (from the currently permitted 1.0 MGD to 0.04 MGD) permitted to be generated and conveyed from the site.

The property that is proposed to be transferred to the Monmouth County Parks System is currently the subject of negotiations for a long-term lease between the State and the Monmouth County Park System for passive recreational use. New construction of restrooms to support the recreational uses will be proposed at some future time. However, the facilities will be limited to 6,000 gpd which represents the remaining available flow capacity in the Conover Road pump station, after considering the needs of the RMS Hospital and Mattie House. As noted in the Township's Master Plan Reexamination of 2012 report, there is a need for more recreational facilities and better linkages and access to the Henry Hudson Trail. The Reexamination report also cited that the Township was working in partnership with the County and State to see the former Marlboro Psychiatric Hospital site be preserved for open space and recreation. Under section 220-93, of the Marlboro Township Zoning Code, which enumerates the standards and regulations for the Agriculture/Land Conservation District, recreational facilities (e.g. State, County, Municipal parks which may include ball fields, swimming pools and/or other similar uses) as well as open space for passive recreational uses are permitted uses in the A/LC zone as per sections A(3) and (4).

2. **Comment** - This area of the Township is environmentally sensitive. It is unclear what impacts the extension of sanitary sewer to this area will have on the environmental features and character of the land.

Response - The amendment does not propose additional SSA, but rather the connection of one existing SSA to another. As discussed above, this amendment only changes the location of where existing wastewater from existing structures is to be conveyed and treated and allows for the accommodation of recreation related restrooms. Additionally, this amendment removes from the

SSA environmentally sensitive areas which had been located within the previously adopted sewer service area.

3. **Comment** - The Township has not been supplied with any environmental or soil information for the referenced property. The potential installation of a septic system should have been explored.

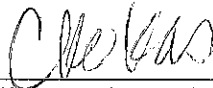
Response - The use of a septic system was evaluated by the applicants. As stated in section 1-4 in their amendment application to Monmouth County Department of Planning: "The existing RMS facility does not have sufficient surface area on site to provide an adequate sized leach field for proper septic system to function." The RMS Hospital and Mattie House locations were not intended for septic system treatment when they were developed and constructed.

4. **Comment** - The WMUA STP currently has capacity issues. Expansion of the sewer service area to include flow from this parcel will have a direct impact on the existing sanitary infrastructure, as well as the Conover Road pump station.

Response - The issues related to existing infrastructure, capacity, and the Conover Road Pump Station have been extensively reviewed and evaluated by WMUA throughout the process. WMUA representatives have attended meetings with all interested parties, reviewed the proposed plans to transfer service area to WMUA, and have been copied on all relevant correspondence between the applicant, Monmouth Planning and the Department. WMUA representatives have stated that their investigation of the proposal has determined that the existing sewer infrastructure along Conover Road will be able to support a flow of 40,000 gpd to WMUA; the amount specified in the amendment. On May 12, 2015, WMUA issued resolution 15-72 in support of this amendment. The Monmouth County Board of Chosen Freeholders resolution 2015-0622, which was adopted on July 23, 2015, states that "...WMUA [has] indicated that they are in favor of the proposed amendment and that WMUA is willing and able to accept a flow of up to 40,000 gpd through the Conover Road pump station for treatment at their Pine Brook facility...".

Sewer service to any particular project is subject to contractual arrangements between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.

This proposed amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. These issues 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; development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules. Approval of this amendment does not eliminate the need for any permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.



Colleen Kokas, Director
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Department of Environmental Protection

12-1-15

Date