

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATERSHED MANAGEMENT

ADOPTED AMENDMENT TO THE TRI-COUNTY WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that on ~~FEB 14 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 Tri-County Water Quality Management Plan was adopted by the Department of Environmental Protection (Department). This amendment was submitted by the Lenape Regional High School District and consists of an amendment to the Tabernacle Wastewater Management Plan (WMP). This amendment accomplishes the following changes from the existing WMP:

1. Removes reference to the Primary School treatment plant which has been abandoned.
2. Identifies the intent to use the Intermediate School, which has an inactive discharge to groundwater less than 20,000 gpd, as a Special Education Unit beginning in 2000 and ending by 2011. The Intermediate School students have been transferred to the expanded Primary School and flows from the Primary School conveyed to the Middle School for treatment at an existing facility that discharges to ground water.
3. Identifies a proposed new treatment facility with discharge to groundwater of 50,000 gpd to serve a proposed new High School. Service area designation changes have been proposed for the site of the proposed High School. The approximate area of the change is 100 acres and includes Block 401, Lots 12.02, 12.03, 12.04, and parts of Lots 3, 12.01, and 12.05 in Tabernacle Township. The area is located in the Pinelands Preservation Area and had been designated as Rural Development (RD) and Agricultural Production (AP) under the Pinelands Comprehensive Management Plan. A portion of the area has been rezoned to

Regional Growth (RG). The site of the proposed High School, Block 401, Lots 12.02, 12.03, 12.04 and parts of Lots 3, 12.01 and 12.05, has been revised by the Pinelands Commission to RG and the proposed service designation for this portion is for a discharge to ground water of 50,000 gpd. To offset the rezoning of these parcels, several properties in Pemberton Township were re-zoned by the Pinelands Commission from RG to AP. The zoning change in Tabernacle Township is the subject of litigation.

This amendment proposal was noticed in the New Jersey Register on October 2, 2000 at 32 N.J.R. 3666(b). A public hearing on the proposed amendment was held on November 1, 2000 and the comment period closed on November 16, 2000. More than 90 individuals attended the hearing and offered general support for the proposal to proceed. One letter was received during the comment period from Carleton Montgomery representing the Pinelands Preservation Alliance. Comments and responses follow:

Comment 1: The proposed amendment redesignates multiple properties to include them in the sewer service area and other properties in the general designation of discharge to groundwater <20,000 gpd. The impact analysis was conducted only for the high school site. The other properties should be excluded from the amendment or the impact analysis should be completed. The record does not include any analysis or discussion of the impact of the redesignation of the remaining properties on water quality.

Response: The commenter is correct in this regard. The areas proposed to be redesignated as the general designation discharge to groundwater <20,000 gpd will not be included in the approved amendment. The Department has adopted amendments to the Water Quality Management Planning rules, N.J.A.C. 7:15 (see 32 N.J.R. ; February 20, 2001). Pursuant to these amendments, the discharge to groundwater general designation of <20,000 gpd is withdrawn effective March 20, 2001. Accordingly, with the agreement of the applicant, the general

designation of <20,000 gpd for the properties Block 401, Lots 8.02 and 11 and Block 403, Lot 6 in Tabernacle Township is not included in this adopted amendment.

Comment 2: The proposed WQM Plan retains designations of Rural Development Area properties as discharge to groundwater < 20,000 gpd. This is inconsistent with the Pinelands Comprehensive Management Plan which expressly prohibits any public service infrastructure and prohibits any centralized wastewater treatment and collection facilities in Rural Development Areas, except to remedy an existing public health problem.

Response: The areas currently designated as discharge to groundwater <20,000 gpd in existing Wastewater Management Plans will be withdrawn as of March 20, 2001 in accordance with the new Subchapter 8 of N.J.A.C. 7:15.

Comment 3: The analysis fails to include an accurate and reliable nonpoint source pollutant loading. Specifically, there is no demonstration that there will not be an increase in phosphorus, nitrogen or suspended solids as a result of either the proposed school project or the development of other properties. There is only a cursory analysis of stormwater runoff that misapplies source data and no analysis of maintenance of the lawns and playing fields. The Strawbridge Lake Report used as a reference contradicts the applicant's analysis rather than supports it. The land use and associated coefficients used in the analysis were not appropriate for the actual proposed land use. The claims regarding the efficacy of Best Management Practices were exaggerated and conflict with the Department's BMP Manual, dated May 3, 2000. The Pinelands Commission requirement to conduct groundwater monitoring after development is completed does not satisfy the required analysis of the effect on nonpoint source pollutant loading needed to approve the amendment.

Response: The nonpoint source pollutant loading analysis was carried out within acceptable parameters and did adequately demonstrate that, for planning purposes, there would be no net increase in pollutant loading as a result of the proposed high

school project. Specifically, the loads of nitrogen, phosphorus and suspended solids associated with the existing land use, largely sod farm with a small percent of woodland, are greater than the loads associated with the projected land use, a school with parking and extensive recreational fields. This was determined using the export coefficient model for pollutant runoff estimation. This model depends on land use, hydrologic factors and other factors and expresses the anticipated annual loading of nutrients and sediment for a particular land use that would be contained in the runoff generated by 2-year rainfalls of a twenty-four hour duration. The land use coefficients were selected to represent, as closely as possible, the existing and projected land uses at the site. This would take into account the typical lawn and playing field maintenance practices of the projected land use. The analysis was patterned after the nonpoint source loading analysis conducted to assess the relative contributions of various land uses to the pollutant loads in Strawbridge Lake, Burlington County, which was used by the Department in establishing the Total Maximum Daily Load for phosphorus in the lake. The BMPs that are proposed to be utilized in the site development plan, which include extensive use of infiltration basins, would serve to improve the outcome with respect to nonpoint source load. While the analysis assumes a higher degree of efficacy (60%) in removing nitrogen than suggested by the Department's BMP manual for infiltration basins with filter strips (25%), if the Department's suggested removal rate were applied, the outcome of the analysis would not change, that is the post-project nitrogen loads would be less than the loads associated with existing land use. The Pinelands Commission requirement to monitor groundwater after construction is not intended to replace the nonpoint source pollutant loading analysis for this amendment but is instead an additional safeguard to determine if nutrients and pesticides are contaminating the ground water, despite the precautions incorporated in the site design.

Comment 4: The public notice points out that there are pending appeals challenging the zoning changes on which the proposed WQM Plan amendment is based. The notice states that the portion of the amendment providing for sewer infrastructure on the school site will be withdrawn if the zoning changes are overturned. The

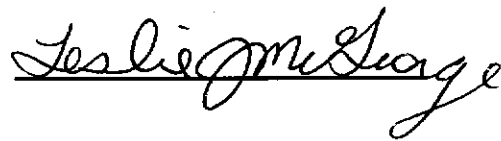
Department must premise approval of the amendment for the proposed school site on the resolution of the pending appeals.

Response: The Department has reviewed the application in accordance with its rules. At this time the zoning changes made locally make the project consistent with the Pinelands Comprehensive Management Plan. While appeals are pending, there has not been a stay of the effectiveness of the zoning changes issued by any Court. Accordingly, at this time the amendment is consistent with the Pinelands Comprehensive Management Plan and the Department's rules. Should the District obtain all necessary approvals to construct the school and decide to proceed while any appeals are pending, it would do so at its own risk of an adverse Court ruling. The Department does not believe that it is necessary or appropriate for it to require resolution of any litigation as part of the approval process.

This proposed amendment has been reviewed with regard to Executive Order 109 (2000) and N.J.A.C. 7:15-5.18. With regard to pollutant loading, a nonpoint pollutant loading analysis was completed which demonstrates that there will be no increase in phosphorus, nitrogen or suspended solids as a result of the proposed project. A stormwater management system has been designed for the High School site which includes implementation of BMPs and infiltration of the increased stormwater volume that would result from new impervious surface. Groundwater monitoring will be required to ensure that application of nutrients and pesticides necessary for playing field maintenance do not degrade groundwater quality. Water supply will be derived from an on site well and then discharged to the surficial aquifer. Adequate buffers have been retained between proposed site disturbance and water bodies, including wetlands, on the site.

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: 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.

A handwritten signature in cursive script that reads "Leslie McGeorge". The signature is written in black ink and is positioned centrally on the page.

Leslie McGeorge, Assistant Commissioner

Environmental Planning and Science

Department of Environmental

Protection

Date 2/14/01