

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

Adopted Amendment to the Tri-County Water Quality Management Plan

Public Notice

Take notice that on **JAN 15 2016**, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), and Public Law (P.L.) 2011, c.203, as amended and supplemented by P.L. 2013, c.188, an amendment to the Tri-County WQMP was adopted by the Department of Environmental Protection (Department). This amendment, submitted on behalf of the New Jersey Turnpike Authority (NJTA) expands the sewer service area (SSA) of the Albert C. Wagner Youth Correctional Facility Wastewater Treatment Plant (WTP) by 7.8 acres to include the proposed improvements to the Turnpike Maintenance District 3 facility on Block 106, Lot 1 in Chesterfield Township, Burlington County. The SSA expansion will serve a multi-use building including a staff area and garage bays with vehicle wash, salt storage building, vehicle fueling facility, calcium/magnesium chloride facility, bulk materials storage yards, auxiliary sheds, and parking areas. This project is identified as "NJ Turnpike MD3," Project Identification No. 435433, Activity No. AMD150002. This amendment updates the Chesterfield Township Wastewater Management Plan, the Burlington County Future Wastewater Service Area map, as well as the Tri-County WQMP.

This amendment has been reviewed in accordance with the Water Quality Management Planning rules, N.J.A.C. 7:15-1 et seq., as modified by P.L. 2011, c.203 as amended and supplemented by P.L. 2013, c.188. This amendment qualifies as a site specific amendment pursuant to Section 7 of P.L. 2013, c. 188 and is in compliance with the regulatory criteria established at N.J.A.C. 7:15-5.24 and 5.25.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas (ESAs) have been assessed to determine what areas are appropriate for inclusion in the proposed SSA. Pursuant to N.J.A.C. 7:15-5.24(b), ESAs are defined based on a composite geographic information systems (GIS) analysis, 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. ESAs are required to be excluded from the SSA except as provided in accordance with N.J.A.C. 7:15-5.24(e)-(h).

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 SSAs except as provided under N.J.A.C. 7:15-5.24(e)–(h). No threatened or endangered species habitats or other priority species habitats were identified on this 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). No Natural Heritage Priority Sites were identified on this site.

In accordance with N.J.A.C. 7:15-5.24(b)3, special water resource protection areas along C1 waters and their tributaries established under the Stormwater Management rules, N.J.A.C. 7:8 are not to be included in the SSA, except as provided under N.J.A.C. 7:15-5.24(e)–(h). No C1 special water resource protection areas were identified on this site.

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 SSAs, except as provided under N.J.A.C. 7:15-5.24(e)–(h). There are no wetlands or wetland buffers on this site.

In accordance with N.J.A.C. 7:15-5.24(c)1-3, lands within certain coastal planning areas (Coastal Fringe, Coastal Rural, and Coastal Environmentally Sensitive Planning Areas) are not to be included in the SSA. The project site is not in a coastal planning area.

In accordance with N.J.A.C. 7:15-5.24(d)1-4, the Department evaluated this project for the presence of special restricted areas including areas with Federal 201 grant limitations that prohibit the extension of sewers to serve development in specified areas such as wetlands and floodplains, in addition to special restricted areas, specifically designated beaches, coastal high hazard areas, and dunes. The project site is not within any special restricted areas.

In accordance with P.L. 2011, c. 203, as amended by P.L. 2013, c. 188, the Department, in consultation with the applicable wastewater management planning agency, may approve the inclusion of land within a SSA notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modification. Therefore, amendments to modify a SSA may be approved if such actions are compliant with the applicable sections of the Water Quality Management Planning rule (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. However, in accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of the project has been evaluated. The total wastewater flow for 48 employees utilizing showers and toilets is estimated to be 1,920 gallons per day (gpd) as calculated in accordance with N.J.A.C. 7:14A-23.3. The volume of water used per wash, estimated at 45 gallons based on water use data from the Crosswicks vehicle wash, a similar wash facility, is multiplied by the number of vehicles, estimated based on the current facility's number of vehicles which will remain the same, resulting in a total waste wash water volume of 470 gpd. These flows include both normal usage of vehicle wash as well as seasonal totals. The total projected wastewater flow resulting from both employees and the vehicle wash is 2,390 gpd. Currently the Albert C. Wagner Youth Correctional Facility WTP is permitted to discharge 1.3 million gallons per day (MGD) to Crosswicks Creek under NJDPES permit No. NJ0026719. The public notice regarding this project proposal presented an analysis of the

In accordance with N.J.A.C. 7:15-5.25(h)5i, riparian zones shall be protected from avoidable disturbance. 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. There are no riparian zones on the project site.

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 greater than 20 percent. There are no steep slopes on the project site.

This amendment was noticed in the DEP Bulletin at Volume 39, Issue 13 as well as the Burlington County Times on July 8, 2015, and public comments were received. Chesterfield Township expressed lack of support for this amendment both prior to and during the public comment period. The Township submitted Resolution No. 2014-12-8 prior to submittal of the amendment proposal, which rescinded prior Resolution No. 2014-3-5 supporting connection of the NJ Turnpike MD3 facility to the Albert C. Wagner Youth Correctional Facility WTP, due to the fact that the NJTA had agreed and then failed to repair certain local roads which the Township contended the NJTA had damaged as a result of heavy Turnpike construction traffic arising from the Turnpike "Exit 6 to Exit 9 Program." The Department determined that the Township's lack of support for the above stated reasons were unrelated to this amendment and not sufficient enough to hold up review and processing of this amendment.

During the public comment period, the Township submitted comments expressing their concerns over the amount, type, and quality of the vehicle wash facility wastewater, which would be conveyed to the Albert C. Wagner Youth Correctional Facility WTP. The Township contends that its residents relying on sewer service would be negatively impacted by any malfunctions in WTP equipment or exceedances of the WTP's discharge limits caused by the hook-up of the NJ Turnpike MD3 facility.

As previously stated in this notice, the excess wastewater capacity at the WTP of 0.667 MGD allows for the addition of 0.00239 MGD of wastewater flow from the NJ Turnpike MD3 facility without usurping any wastewater flow already allocated to Chesterfield Township. Regarding wastewater type and quality, the WTP holds a Department-issued New Jersey Pollutant Discharge Elimination System – Discharge to Surface Water (NJPDES-DSW) permit with pretreatment requirements, which requires the WTP to identify all non-municipal collection system discharges or indirect users discharging into their system. If the indirect user meets the definition of a significant indirect user (SIU), the Department will require them to obtain a NJPDES-SIU permit, which ensures pretreatment of the wastewater to acceptable standards before entering the wastewater stream flowing to the WTP. Due to the type of wastewater generated from the NJ Turnpike MD3 maintenance yard operations, such as car and truck maintenance and salt truck washing, the WTP is required to submit specific information regarding levels of petroleum hydrocarbons and total dissolved solids or salt content to the Department to review to determine if a NJPDES-SIU permit will be required for the NJ Turnpike MD3 facility.

most recent twelve month period of discharge monitoring data. However, the Department of Corrections had reduced the population at the Wagner Youth Correctional Facility from 2014 to 2015 so that repairs and upgrades could take place; therefore the most recent 12 months of wastewater flow data underestimated the available capacity of the WTP. To provide a more accurate representation of the excess capacity at the STP and to allay the concerns expressed during the public comment period, the flow data has been reevaluated and updated with the following more comprehensive data. The highest consecutive 12-month average for the period 2009 to 2013 has been utilized resulting in an average flow of 0.633 MGD, and excess capacity of 0.667 MGD.

The Chesterfield Township WMP allocates 0.455 MGD of the total WTP capacity to Chesterfield's Planned Village Development (PVD) zone, of which 896 of 1,203 residential units have already been developed and are connected to the WTP. The 0.667 MGD of excess capacity available at the WTP is more than adequate for the connection of the remaining undeveloped units in the PVD zone, for this amendment, which is proposing 0.00239 MGD of wastewater, as well as for future sewer service connections in the approved SSA.

In accordance with N.J.A.C. 7:15-5.25(h)3, the water supply need for the proposed project has been evaluated. Water is currently supplied by Aqua New Jersey which holds PWSID 1103001, is allocated 283.3 MGM, and currently has a water supply surplus of 50.374 MGM. As the site is already connected to the water supplier, this analysis only estimates the amount of total additional water demand arising from new or expanded development at the site. The number of employees (48) will not be changing, so water usage for employees will not change, however the proposed vehicle wash and fire protection system, will add an additional water supply demand. As stated earlier in this notice, the total water used for vehicle wash is estimated to be 470 gpd, or, when converted to MGM (470 gpd x 30 days/1 MGM) is 0.0141 MGM. The fire protection system is designed to use 500 gallons per minute, and can be used up to 30 minutes during emergencies. It is difficult to approximate the volume of water in MGM as the system would only be used during an emergency and not continuously. The applicant has provided a "will serve" letter from Aqua New Jersey for the fire protection connection. The projected water demand of 0.0141 MGM is within the 50.374 MGM water supply surplus available from Aqua New Jersey.

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater impact is to be evaluated. However, P.L. 2011, c.203 as amended by P.L. 2013, c.188, directs there be a presumption that an engineered subdivision or site plan is not required. Compliance with this standard shall be demonstrated by submission of an adopted stormwater management plan and ordinance that conform with the requirements of N.J.A.C. 7:8. The project is in compliance with this standard, as Chesterfield Township has adopted stormwater control ordinance #2006-12, which complies with the performance standards of the Stormwater Management rules at N.J.A.C. 7:8. The county and local governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development. Consequently, the requirements of N.J.A.C. 7:15-5.25(h)4 for stormwater control have been satisfied.

Chesterfield Township also questioned the legality of the New Jersey Department of Corrections (NJDOC), owner of the WTP, allocating excess plant capacity to any party prior to negotiating a modification to the 2001 Operations Agreement for Sewage Services between the NJDOC, the State of New Jersey Department of Treasury (NJDOT), and Chesterfield Township. The Township referenced Section 5.C.3 of the Operations Agreement, which reads, "If, at any time, the STATE [NJDOC or NJDOT] determines that it is in its best interest to allocate a portion of any excess capacity at the Plant to a third party, the STATE and CHESTERFIELD shall negotiate a mutually acceptable modification to this AGREEMENT, in order to assure that the interests of all affected parties are protected." As per the Operations Agreement, the NJDOC and NJDOT are responsible for ensuring negotiations take place and not the Department. The Department ensures that the addition of the NJ Turnpike MD3 site to the SSA of the Albert C. Wagner Youth Correctional Facility WTP by adoption of this amendment safeguards the provisions set forth in the Chesterfield Township WMP and that Chesterfield Township's wastewater flow allocation is not adversely affected by the connection of the NJ Turnpike MD3 facility's flow to the WTP. Additionally, the Department maintains that 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 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
Office of WRM Coordination
Department of Environmental Protection

1-15-16

Date

