

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION

ADOPTED AMENDMENT TO THE UPPER RARITAN WATER QUALITY
MANAGEMENT PLAN

Public Notice

Take notice that on, **NOV 23 2010** pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15, an amendment to the Upper Raritan Water Quality Management Plan was adopted by the Department of Environmental Protection (Department). This amendment modifies the Somerset County/Upper Raritan Watershed Wastewater Management Plan to provide for the expansion of the Trump National Golf Club (TNGC) formally known as the Lamington Farms Club, LLC, to include an additional 18-hole golf course and expanded amenities. The project location, Block 38, Lots 9, 13 & 14 and Block 39 Lots 8, 10, 11, 12.02, & 12.03 Bedminster Township, Somerset County, bounded to the north by County Road 523, to the south by River Road and to the east by Cowperthwaite Road, encompass a total of 506 acres.

As originally proposed and noticed in the New Jersey Register on January 7, 2008 at 40 N.J.R. 213(a), the proposed amendment project scope included a request for reclaimed water for beneficial reuse (RWBR) of up to 650,000 gallons per day (gpd) of wastewater diverted from the Environmental Disposal Company (EDC) Sewage Treatment Plant (STP) (NJPDES #NJ0033995) and 29,631 gpd from the on-site Discharge to Groundwater (DGW) STP, to be utilized for golf course irrigation. However, objections from local residents and the Township of Bedminster were raised during the public comment period and at a public hearing held for the Water Allocation permit. Most significantly, the Township of

Bedminster adopted Resolution No. 2008-036 strongly opposing the extension of any infrastructure to convey the treated wastewater for reuse at TNGC. The applicant additionally requested that the beneficial reuse of wastewater diverted from the EDC STP originally planned to be part of the amendment be withdrawn. Consequently, as part of this adopted amendment the beneficial reuse of wastewater from EDC has been eliminated. While wastewater from the EDC STP will not be used for irrigation, the course will use 29,631 gpd from the on-site Discharge to Groundwater (DGW) STP for irrigation. As discussed below, the remaining irrigation need will be satisfied by the use of on-site wells.

The proposed project consists of the expansion of a private golf club to include an additional 18-hole golf course with expanded recreational and eating facilities. The applicant proposes to expand the existing 200 seat restaurant to accommodate 350 persons. In addition, the proposed project includes nine 3-bedroom guest cottages. An existing cart storage building is to be renovated into additional guest housing with sixteen 1-bedroom units. An existing swimming pool area is to be expanded to include, in addition to the existing swimming pool, a spa, exercise room, tennis courts and a tennis hut. A new golf course warming hut, a comfort station and a practice range hut are also proposed. A recently constructed maintenance building will employ up to 72 maintenance staff and the golf clubhouse and affiliated recreational facilities will employ approximately 38 additional staff.

Wastewater from the new warming hut, comfort station and practice range hut will each be treated by their own individual subsurface sewage disposal systems. Wastewater from all other existing and proposed facilities, including the clubhouse, restaurant, 3-bedroom cottages, the 16-unit residential facility, swimming pool area and new maintenance building, will be conveyed to the

permitted on-site treatment facility which discharges to ground water (DGW), (Lamington Farms/Trump National STP NJPDES #NJ0142883). Currently this facility is permitted to discharge 18,831 gpd.

The projected wastewater flow from the existing golf course was calculated at 300 members with the peak wastewater projection calculated assuming all 300 members golfed on the same day. Wastewater per golfer for this facility is calculated at 15 gpd per golfer. The applicant has indicated that membership after construction of the second golf course will be limited to 450 total members. The combined 450 golf rounds for both courses will have a new projected wastewater flow of 6,750 gpd. All site improvements proposed as part of this amendment, including the 150 new golf rounds will increase the wastewater flow to the on-site STP by a total of 10,800 gpd. As a result, the existing permitted flow of 18,831 gpd plus the new projected flow of 10,800 gpd will increase the total projected flow to 29,631 gpd. (calculated in accordance with N.J.A.C. 7:14A-23.3).

A minor adjustment of the existing approved service area of the TNGC STP will be required to allow for the construction of four of the proposed three bedroom guest cottages. The service area will be expanded only to include the footprint of these four structures.

This amendment was evaluated in accordance with N.J.A.C. 7:15-5.18 and all applicable environmental analyses. To address non-point source pollutant loading from the proposed golf course, the project has been designed in accordance with the Stormwater Management Rules, N.J.A.C. 7:8. In addition, this amendment includes the establishment of a 75-foot riparian corridor protection area along all surface waters. The proposed project design includes minor encroachment into the riparian corridor protection area, as well as expanded riparian corridor

compensation areas to offset this impact. The planting of non-invasive meadow grass species will enhance areas already disturbed or temporarily encroached upon within the riparian corridor protection area.

As part of the Threatened and Endangered Species Analysis for this amendment, the Department identified environmentally sensitive areas for the Barred Owl, a State threatened species, on portions of the project property. A Barred Owl Survey and Habitat Evaluation was required. This study determined that much of the on-site wooded habitat is fragmented and successional in nature and, as such, is not critical to the survival of the local population or recovery potential of this species. The Department concurred with the study's findings. However, in order to provide protection for any incidental use that may be made of this habitat at certain times of the year, the Department requested that, to the maximum extent possible, patches of wooded habitat around wetland/open water areas and within the golf course proper, be maintained to allow some seasonal use by Barred Owls as the trees mature in the future. As requested, patches of woody habitat are to be retained around wetland/open water areas and to some extent within the golf course playing area. As a result, this analysis was satisfied.

The project location currently holds an existing water allocation permit (No. 2527P) for a total water allocation of 10.1 millions gallons/month (MGM). The applicant has submitted a request for an increase in its existing water allocation. The modified permit application requests up to 19.4 MGM, to irrigate the existing and proposed courses and to support the other on-site improvements including the club house, cottages, 16-unit guest facility, comfort stations and maintenance facility. Potable water will be supplied to these facilities from groundwater withdrawals. Based on the wastewater projections, the total water supply needs for the site is approximately 30,000 gpd. As the wastewater disposal method is a

discharge to groundwater on-site, no depletive water loss would result from these improvements. However, the majority of water use on the site will be for irrigation. Therefore, a Consumptive Water Use Analysis technical evaluation was required. This analysis was completed as part of the water allocation review process and as a result, the limitations on the use of groundwater for irrigation purposes will be part of the water allocation permit conditions.

In addition, the implementing regulations of the New Jersey Water Supply Authority (NJWSA) require all consumptive users within the Raritan Basin to enter into contract with the Authority as the entire yield of the Raritan Basin has been allocated to the NJWSA. Any consumptive withdrawal reduces the Raritan Basin yield. As originally noticed in the New Jersey Register, a contract between the applicant and the NJWSA was to be executed prior to adoption of this amendment. The Department has determined that this requirement will be addressed as a condition in the water allocation permit. The water allocation permit will assure that this contract is in place by providing that the diversion increase will be permissible only upon proof of execution of the contract being supplied to the Department. The modified water allocation permit application was publicly noticed for comment through a separate process outlined under N.J.A.C. 7:19. This notice was published on April 16, 2008 in The Courier News, and a requested hearing held on May 28, 2008. The modified water allocation permit will be issued upon adoption of this amendment.

This amendment proposal was noticed in the New Jersey Register on January 7, 2008 at 40 N.J.R. 213(a). As this proposed project site is located within the Highlands Planning Area, in accordance with the Highlands Water Protection and Planning Act Rules, N.J.A.C. 7:38, the Department shall not approve a Water Quality Management Plan amendment for a project proposed in the Planning Area

without first obtaining a recommendation from the Highlands Council (Council). Comments containing recommendations were received from the Council on September 9, 2008. Additional comments on this amendment were received during the comment period.

The following people submitted written comments on this amendment:

Number –Commenter Name, Affiliation

1. Robert F. Simon, Attorney for Phoebe Weseley, Bedminster Resident
2. Don E. Cross, Bedminster Resident
3. Donald J. Trump, TNGC
4. John P. Belardo, Attorney for Bedminster Township Council
5. Michael J. Amorosa, Secretary, Somerset County Planning Board
6. Highlands Council

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

Comment: The inclusion of the proposed RWBR of wastewater diverted from the EDC STP for irrigation by the TNGC will cause potential environmental impact not fully investigated and conflicts with the State Plan policies on extension of infrastructure into Environmentally Sensitive Planning Areas. The infrastructure required to transfer wastewater from the EDC STP to the TNGC for irrigation is cost prohibitive and not a feasible option at this location. A specific request, on behalf of Mrs. Phoebe Weseley, that an extension to the public comment period and a public hearing be held to provide expert testimony as to the primary and secondary ecological impacts as a result of the proposed RWBR of wastewater was made. (1), (2) (3), (4) & (5)

Response: The request for the non-adversarial hearing and extension to the public comment period from Ms. Weseley was the only request for a hearing on the proposed amendment received by the Department. The Department determined that conducting a public hearing as part of the proposed amendment process was unlikely to result in receiving additional comments or information concerning the RWBR issue that were not previously provided during the initial comment period.

Additionally, the Department took into consideration that the proposed RWBR of the EDC wastewater was a component of the Department's draft water allocation permit, under which a hearing would be granted if a request was received by May 19, 2008. Consequently, the hearing request on the WQMP amendment was denied and Ms. Weseley and other interested parties were directly notified of the ability to request a hearing as part of the water allocation permit process.

On Wednesday, May 28, 2008 a hearing was held as part of the water allocation permit process. Staff from Division of Watershed Management also attended this hearing. The comments obtained were taken under advisement. As discussed above, in response to the strong opposition, including the municipal Resolution of Objection and Non-consent and indication from the Township of Bedminster that the necessary easement approvals from affected property owners would be difficult to obtain, the RWBR aspect of the proposed amendment was removed from the proposed Water Allocation and amendment applications.

Comment: The amendment application reviewed included portions of the proposed development which encroached upon Environmentally Sensitive Areas as identified in the final Draft of the Highlands Regional Master Plan (RMP), including Forest Resources Areas, Highlands Open Water Protection Areas,

potential Critical Habitat and Prime Ground Water Recharge Area. These areas should be avoided, except where the Department determines, on the basis of site specific information that the environmental sensitive resources do not exist. (6)

Response: In consideration of the recommendations provided by the Council based on the Draft RMP, the Department has relied on more specific and current site information and conditions. With regard to the Critical Habitat, as stated above in this notice, the Threatened and Endangered Species Analysis concluded that much of the on-site wooded habitat was not critical for the identified species, Barred Owl. Nonetheless, in order to provide protection for any incidental use that may be made of this habitat at certain times of the year, the Department requested that, to the maximum extent possible, patches of wooded habitat around wetland/open water areas and within the golf course proper, be maintained to allow some seasonal use by Barred Owls as the trees mature in the future. As requested, design plans were amended to include patches of woody habitat to be retained around wetland/open water areas and to some extent within the golf course playing area.

The development of the new golf course proposes encroachment in areas identified in the final Draft of the RMP as Open Water Protection Areas. Applications for Freshwater Wetlands Act (N.J.A.C. 7:7A) and Flood Hazard Area Control Act (N.J.A.C. 7:13) permits for these encroachments were filed by the applicant and subsequently approved by the Department's Division of Land Use Regulation (DLUR). The DLUR determined through the permit review process these encroachments were allowable under the Fresh Water Wetlands Protection Act and the Flood Hazard Area Protection Act rules.

However, as indicated, as part of the review for this amendment, a 75-foot riparian zone along all surface waters has been established. The proposed project design includes minor encroachment into the riparian corridor area, and includes expanded riparian corridor compensation areas to offset this impact. In addition, mitigation measures such as the planting of non-invasive meadow grass species will enhance areas already disturbed. It is noted, as a result of on-going construction and site preparation for the proposed new golf course, forest resources have been disturbed within uplands areas unregulated by the Department.

A review of the Highlands Council Geographical Information Systems (GIS) digital delineation of Prime Ground Water Recharge Areas and the approved proposed site plans determined that no encroachment within this area, as a result of new impervious development, would occur. Proposed new cottages are in the proximity of the mapped Prime Ground Water Recharge Area; however, the only area of impervious cover that is within the Prime Ground Water Recharge Area, is related to existing structures and paved access roads which impact only a very small portion of this area.

Comment: The proposed project's water supply sources have been identified as having potential current deficits of net water availability. It is recommended to remedy any proposed loss to ground water recharge or additional consumptive or depletive water use that exacerbates a water supply deficit, mitigation measures be initiated through either conservation measures or on-site groundwater recharge to offset this loss by 125%. (6)

Response: In response to the Council's comments, the Department re-evaluated the project for conformity with the Draft RMP requirements. The topography of

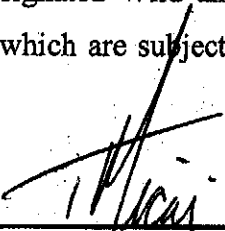
the site is such that the project is located in portions of three separate HUC 14 watersheds, one of which has been identified by the Council as being in deficit. An interconnected stormwater/irrigation system is proposed throughout the site with wells to supplement the system if the collected volume of stormwater is not sufficient to meet irrigation demand. Two wells located in the deficit area represent a consumptive use which prompted the Council's request to bring the site into compliance with the Draft RMP either through conservation measures or additional on-site ground water recharge to offset the loss by 125%.

As provided in the Draft RMP, conservation would be achieved through the Water Use and Conservation Management Plans required through municipal Plan Conformance to ensure efficient use of water through water conservation measures and ordinances to avoid the creation of new deficits in Net Water Availability areas or that would employ on-site Low Impact Development Best Management Practices to recharge groundwater to offset the loss by 125%. The regional and local planning initiative option was not directly available to the applicant and as such not a viable option in this case. The analysis therefore concentrated on determining if the applicant could provide the necessary on-site ground water recharge. As a result, the Department required additional analyses from the applicant.

Recharge will be provided through infiltration basins and from the overall pervious area of the site. Calculations indicate that the proposed recharge will not achieve the 125% recharge standard within the deficit HUC-14 required by the Draft RMP. However, the Department concluded that the applicant has provided substantial infiltration throughout the site and achieved the standard to the maximum extent practicable.

In further response to the Council comments above, it is recognized by the Department that publication of this amendment proposal occurred prior to the adoption of the RMP. The proposed project meets all requirements in accordance with N.J.A.C. 7:15-5.18 and all applicable environmental analyses in effect at the time of the public notice. The project was evaluated and modified to address the Council's recommendations to the degree practicable.

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 include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; water allocation, 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.



Thomas Micai, Director
Division of Land Use Regulation
Department of Environmental Protection

11/23/10

Date

