

SUSSEX COUNTY WATER QUALITY MANAGEMENT

POLICY ADVISORY COMMITTEE

MINUTES

OCTOBER 9, 2014

The meeting was opened at 7:32 p.m. by Chairperson Mensonides. The meeting was held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-1 of 1975, as amended, and notice has been forwarded to the newspapers and posted on the bulletin board maintained at the Sussex County Administrative Center for public announcement.

ROLL CALL:

MEMBERS PRESENT: James Landrith, Andover Borough
Keith Gourlay, Hampton Township
Carrine Kaufer, Hardyston Township
Howard Baker, Hopatcong Borough, Vice Chair
David Muscalo, Lafayette Township (7:35 p.m.)
Ian Blanchard, Stillwater Township
Denise Webb, Wantage Township
Ernie Hofer, At-Large
Kathy Little, At-Large (7:35 p.m.)
Eleanor Mensonides, At-Large, Chair
John Nugent, At-Large

EXCUSED MEMBERS: Eric Powell, Sparta Township
Richard Gottemoller, At-Large

STAFF MEMBERS: Alice Brees, Principal Planner
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: Dennis Mudrick, Freeholder Liaison
Nathaniel Sajdak, Wallkill Watershed Group

MINUTES CORRECTION/APPROVAL:

A motion was made by Ernie Hofer to approve the Minutes of July 10, 2014. The motion was seconded by Keith Gourlay. All were in favor, with an abstention from Carrine Kaufer. Motion carried.

CORRESPONDENCE:

Alice Brees reported that she only received one piece of correspondence relating to PAC and that was from Lukoil on Route 23 in Franklin.

PLANNER'S REPORT:

A. WATER QUALITY PROCEDURES:

Changes were made to the Water Quality Procedures and they were sent to DEP. DEP staff reviewed it and sent comments. DEP's legal staff then reviewed it. There were some minor changes. This will now go to the Freeholders in November.

B. PRE-APPLICATION MEETING WITH RACHEL MANOR, RT. 23, WANTAGE TWP.

There was a pre-application meeting for Rachel Manor. This is another site that is proposing a possible connection to the SCMUA sewer service area. SCMUA staff, Sussex Borough, the Applicant and Planning attended the meeting. One of the issues is whether or not there is capacity in the force main owned by Sussex Borough. This study will be done when they apply for treatment works approval.

Also, on November 4 Sussex Borough voters will decide if Aqua NJ is able to purchase their water and sewer utilities.

B. MEETING WITH HIGHLANDS COUNCIL STAFF ON WATER CONSERVATION PLANS:

Alice reported that she and Eric Snyder met with Highlands Council staff on Water Conservation Plans. This came up last year when the County's future sewer map received DEP approval. It was sent to Highlands Council and they sent a letter saying that they were okay with the map approval but when it comes to the wastewater plan document, they want to see water conservation plans for five municipalities with water deficit areas: Franklin, Hamburg, Hardyston, Sparta and Vernon. Highlands Council staff will be attending the December PAC meeting to do a presentation on how they estimate water deficits and methods of water conservation.

UNFINISHED BUSINESS:

A. MUNICIPAL MAPS FOR FUTURE SEWER SERVICE AREA;

All of the municipal representatives were provided with a copy of their draft map. Alice asked the members to let her know if there are any errors. Each town will be

requested to do a Resolution endorsing the County Wastewater Plan. The maps will also be posted on the County website.

Alice explained the labeling on the map. She also said the map is very similar to what was approved last year. There have only been a few changes, mostly in Wantage. She said she hopes to have a more complete Wastewater Plan for the December meeting.

B. COUNTY WMP DRAFT DOCUMENT:

Printed copies of the Wastewater Management Plan were provided to the PAC. Alice reviewed the plan and asked the members to let her know if there are any corrections. Much of the text language is from DEP. They provided templates for the Counties to use.

On the front cover, Byram and Hopatcong are not part of the County plan because they are being covered by The Highlands Council. The Appendices will be done later. There are some sections that will not be needed. Page 10 contains the Summary of Significant Actions. This section shows the various levels of DEP approval since the last approved plan in 2001. Page 11 shows facilities that are consistent with DEP rules and can apply for permits. Pages 12 and 13 are the lists of things that are being proposed in this plan. Once this plan is approved, these proposals are approved.

A few tables need GIS data and will be filled in later. Pages 28 and 29 relate to septic system connections that are within sewer service areas. The wording indicates that this is mandatory. Alice said she will clarify this with DEP. Page 30 deals with how the sewer and septic areas match up with projected development in the County. Page 31 shows potential capacity for the Sussex MUA sewer area. Page 33 is a list of facilities that could be built or expanded. They have received some level of approval. Page 34 deals with Antidegradation Analysis. Alice said she heard DEP will not require this as part of the County's plan. This analysis belongs with the permitting process and not with the plan.

The next section deals with nitrate dilution and septic area build-out, and pages 36-39 are tables of totals by watershed. Alice said for most of the County's watersheds, we meet the standards because of the amount of open space in the County, which counts toward dilution.

Alice said on Page 40, she wants to add more information about the watershed restoration plans that have been done. She asked Nathaniel Sajdak to provide her with information. Based on DEP Statements, the section on Municipal Ordinances (Page 41) will be less important and that the County probably will not have to worry about water supply (Page 42.)

Ernie Hofer said there is a water deficit area in Sparta according to the Highlands. It relates to the conversion of the wastewater treatment plant at White Deer Plaza. There is insufficient water to the aquifer, lack of infiltration according to DEP calculations. When you go through the calculations, there are four arbitrary factors and you can set those factors to any different values and come up with whatever answer you want. So

that's still technical discussion that needs to go on. It is his understanding that the conversion of the White Deer Plaza wastewater plant to connect to the SCMUA as a pump system is being held up

David Muscalo asked if there any wells to check to see if they are getting a recharge.

Howard Baker said the value of these models is in pointing out areas where there might be a problem and it causes you to go look for actual data to say, "Yeah, there is a problem."

Ernie Hofer said the model is overly conservative---extremely overly conservative.

Keith Gourlay said that plant currently discharges to the Wallkill, so what would they do to recharge anyway?

John Nugent said they are looking for potential groundwater recharge. Also, changing fixtures in businesses for low flow, water use, toilets, things like that. So any way that they can save water, that's how you make up the difference in the water deficit.

Ernie Hofer said the wastewater treatment plant has a 50,000 gallon a day design. Right now it goes into the Wallkill River. It goes in to the same HUC-11 where the plant is located and it goes to another HUC. They are looking to make up potentially 50,000 gallons. So you have to increase in retention ponds, detention ponds and other means to increase infiltration. Their concern is the water is being lost.

Nathaniel Sajdak asked how will these particular build-out numbers for Sussex County density be used, if at all? He said the numbers are being provided and it is up to the individual municipality to take these numbers and use them.

Alice Brees said somebody could look at it and say, "Oh, so we have no problem with all these new septics in Sandyston. DEP says it's okay."

Nathaniel Sajdak said somebody reads this and says, "Oh, we don't need a three acre zoning in town, there is a 4.8 acre standard for septic density." The numbers could be very misleading for a lot of people.

Alice Brees said when the zoning was applied it was just applied to developable acres. It didn't take out all the environmental constraints that ordinances really take out. So the totals result in a falsely high number.

Howard Baker said the model points out areas where you don't have a problem at all and then a few areas where you need to think about what you're doing. If you wanted to build in an area where these numbers are saying that there's a problem, you would go and get some data to support the fact that it's okay if we do this, you're not going to have a problem.

Alice Brees said the model doesn't take into account existing development either. Like in a lake community, there's already a lot of septics on small lots. It doesn't look at

those issues. So maybe that's something that we could add in some language and disclaimers. She said she would talk to Eric about it.

Alice Brees also said the DEP model is just projecting if you had developable land, how many new units could be built. If DEP measures water quality at a certain level, the existing development is there and they've taken that into account. So we're looking new units.

Ernie Hofer said after page 34 you're getting into a guidance document. The content is still evolving and is still subject to further discussion and analysis.

Howard Baker said it might be well to add language into the plan to say that the model involves a number of estimates and assumptions which may or not apply to the individual circumstances. It can point to areas where discussion and further data need to be, but it should not be taken as the final word.

Denise Webb said her concern is that they are using these models to predict or calculate what can be built on a certain lot with nitrate dilution. But has anybody been studying what's happened in the last 25-30 years to our water quality. Are they really assessing the data in our County to see where the pollution is occurring and that maybe this isn't sufficient.

Alice Brees said there's a new group at DEP that is going to focus on water quality in the future.

Howard Baker said you start with a model and then you've got to pile up the data to see whether this model works or not. David Muscalo said a model is only as good as the data that goes into it.

Nathaniel Sajdak said he will provide summary statements for the Watershed Restoration Plans for the Papakating, Clove Brook and Paulins Kill.

The PAC was asked to review this document and get their comments to Alice within the next two weeks.

C. WATERSHED UPDATES: UPPER DELAWARE, WALLKILL:

Nathaniel reported that today he escorted 40 members of the Sparta Historical Society on an auto tour bus trip. The group included 20 people who were here for Sparta High School's 50th Class Reunion. Many of them moved out of State for retirement and were amazed at how much the area has changed. The tour covered the entire course of the river, from Lake Mohawk into New York and back down with a stop at the Wallkill Wildlife Refuge. The refuge manager gave a presentation to the group.

Nathaniel said they finalized the cost share agreements with USDA Natural Resources Conservation Service (NRCS.) In 2011 they formed a Memorandum of Understanding with USDA NRCS which allowed them to work together cooperatively and gave them the ability to share information with the Watershed Group, enabling them to work with

farmers. Two years ago they developed a cooperative agreement, under the umbrella of the MUA, which allowed them to use their funding to help farmers in watersheds implement projects. NRCS is now giving the Watershed Group funding to be representatives of NRCS. This gives them the ability to go to farms, work with farmers, write conservation plans and identify projects for implementation. They are using 319 DEP funds to leverage the NRCS funds. As a result of this, they signed three more contracts with various farms in the area for implementation projects.

There was a webinar today that was sponsored by the William Penn Foundation. They are sponsoring a massive watershed initiative for the entire Delaware basin. The William Penn Foundation out of Philadelphia highlighted the New Jersey/Highlands cluster that the Watershed Group partners with.

Ian Blanchard said because the river has been so low, there hasn't been much run off of trash and debris going into the river. There is a noticeable improvement since the clean-up. Nathaniel said he worked with the Newton DPW and applied for "permit by rule" clean-up because there was a debris dam. The regulations on stream clean-ups have changed since Tropical Storm Lee and Hurricane Irene and then Sandy. He said the Newton DPW crew did a phenomenal job on the Morris Brook. The debris dam is gone and the water is flowing freely again.

NEW BUSINESS:

A. PROPOSED CHANGES TO DEP WATER QUALITY RULES:

Alice said many proposed changes to DEP Water Quality Rules were covered earlier in the Agenda. She attended a meeting in Trenton last week and learned that the DEP will be proposing the rule changes by December. There will be a formal comment period. They hope to have the new rules in place by spring 2015.

DEP will be relying more on the map itself. If a property is in a sewer service area, they can apply for a permit. As an example, for the Big N application, in the future it may be served by the Martin Plant. To transfer sewer service from one plant to another would not require a Wastewater Amendment; it would be done at the permit stage. A re-organization occurred at DEP and Dan Kennedy is the new Assistant Commissioner of Water Resources. His background is with the Office of State Planning and Smart Growth. He will keep the focus on centers and look at where growth should go and give less importance to habitat. In the past, we've had problems with areas being taken out because of potential habitat, even if it was in a sewer area. There is a different perspective now. The group that will be in charge of Wastewater Plans is the DEP permit section.

B. POPULATION PROJECTIONS FOR NJ COUNTIES, 2017-2032:

Population projections were done by the State Labor Department for New Jersey Counties. Census statistics from April 1, 2010 were shown with estimates for July 1, 2012. Projections were listed for 2017, 2022, 2027 and 2032. The annual estimate

showed a decrease in Sussex County since 2010; the County has been on a downward trend over the last few years.

PUBLIC COMMENT:

Freeholder Liaison Dennis Mudrick said at the Freeholder Meeting yesterday there was some discussion about the declining population in the County. He suggested the possibility of foreclosures being the result of separation, divorce or family disputes and homeowners stop paying their mortgage or taxes. The foreclosures could also be on second homes where people have over-extended themselves.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Eleanor Mensonides . The motion was seconded by Howard Baker and carried unanimously. The meeting adjourned at 8:50 p.m.