

Minutes of a Regular Meeting of the
MONMOUTH COUNTY
AREAWIDE WATER QUALITY MANAGEMENT PLAN
AMENDMENT REVIEW COMMITTEE

Wednesday, December 2, 2015 11:00 AM
Monmouth County Planning Board Conference Room
Hall of Records Annex, One East Main Street
Freehold, New Jersey

1. CALL TO ORDER:

Mr. Giannell called the meeting to order at 11:04 A.M.

2. COMPLIANCE STATEMENT: Open Public Meetings Act

Attorney Aikins offered a statement that the meeting was being held in compliance with P.L. 1975, c.231, the Open Public Meetings Act.

3. ROLL CALL – ATTENDANCE:

Members Present: Giannell, Grbelja & Sampson
Member Absent: Ettore
Alternates Present: Englehart (arrived at 11:06 a.m.) & Mele
Staff Present: Brennen & Luby
Counsel: Aikins

4. MONTHLY ACTIVITY REPORT, CORRESPONDENCE AND MINUTES:

- Meeting Minutes
The minutes of the November 4th, 2015 meeting were reviewed. Mr. Sampson moved to approve the minutes and Mr. Giannell seconded the motion. The minutes were unanimously approved. Mr. Mele & Ms. Grbelja abstained.
- Activity Report: October 29 – November 23, 2015 – Ms. Brennen stated that updates will be presented under Old Business.

5. OLD BUSINESS

- Status of Plan Amendments in Process with NJDEP
 - Former Marlboro Hospital Site Specific Amendment Application – Ms. Brennen reported that the adoption notice has been signed by NJDEP and she has received an electronic copy; a paper copy to follow in the mail.
 - Friendship Circle (Marlboro) Revised Site Specific Amendment Application - Ms. Brennen reported that the Monmouth County Board of Chosen Freeholders passed Resolution #2015-1042 on November 24, 2015, so the County's Resolution of Consent has been passed and forwarded on to NJDEP.
- Ocean County Wastewater Management Plan – Ms. Brennen reported that the Monmouth County Board of Chosen Freeholders passed Resolution #2015-1043 on November 24, 2015. A draft copy is on the website and she expects to receive a paper copy of the final. She also informed the Ocean County Director of Planning that it was on the agenda and he will receive a copy by mail.

- Ms. Brennen reported that she was informed by the Atlantic Highlands Borough Administrator that the Atlantic Highlands Block 4, Lot 16 Site Specific Amendment Application will not be moving forward at this time.

6. NEW BUSINESS

- NJAC 7:15 Rule Proposal Review – Ms. Brennen distributed her summary review of highlights and a sheet of significant definitions of the Draft Water Quality Management Plan Rule NJAC 7:15. She made suggestions about comments that the ARC Committee might want to recommend to the Monmouth County Planning Board to include in their letter. She noted that the public comment period has been extended to December 28th which is after the Monmouth County Planning Board meeting scheduled December 21st; therefore, ARC committee recommendations can be presented to the Planning Board in the form of a draft letter so the letter can come from them.

Ms. Brennen's opinion is that overall this Rule is significantly better for Monmouth County than the 2008 Rule which caused many problems and prevented our Wastewater Management Plan approval. Overall they have made it more of a Plan and removed some of the things that were more regulatory actions and put them into the permit process. The WMP's will now be prepared once every ten years. She noted that they took out the requirement for the ordinances which we have no jurisdiction over anyway, adding that was always the major reason why we could not get our WMP adopted. Ms. Brennen's first recommended comment is to consider commending NJDEP for the positive changes they have made. They say according to the rules that our future wastewater service area map, since it has been adopted, will stay in place. They did take out the mandatory withdrawal of sewer service area for failure to adopt a WMP.

Ms. Brennen commented regarding the gap of at least a few months which is expected to occur between the time that PL 2013 c188 expires on January 17, 2016 and the earliest possible date of rule adoption, possibly March or April, 2016 according to NJDEP. The proposed recommended comment could be that NJDEP petition the legislature to extend PL 2013, c188 to cover the gap between the January 17, 2016 expiration and the adoption of the new rule to allow, at a minimum for the continuation of amendments in process by the expiration date.

Ms. Brennen explained the new definition of Wastewater Treatment Facility that was added to differentiate between the types of facilities referred to in this rule and the more technical terms (wastewater facilities and treatment works) of the NJPDES rule. This would eliminate the requirement to map treatment works facilities in a WMP which would reduce the amount of research necessary for WMP preparation.

Ms. Brennen discussed the specific changes of a new classification of eligible for sewer service area. Currently there is sewer service area and non-sewer service area and the new definition of "assigned sewer service area" is essentially the same as our current sewer service area designation. If everyone involved agrees that it should be a sewer service area, or currently sewer, meets NJDEP's environmental requirements and the sewerage authority can handle the flow then it becomes an "assigned sewer service area". She explained the "unassigned sewer service area" is a new classification for areas that are eligible for sewer service but for which a specific domestic or industrial treatment works facility has not been identified.

Ms. Brennen's recommended comment is that the definitions of Eligible for sewer service area and Non-sewer service area should be modified for clarification and consistency with Subsection 3. The text in section 3.2b related to consistency determinations for areas eligible for sewer service should be revised to eliminate the possibility that a project/activity in any area other than a sewer service area be considered consistent.

Ms. Brennen informed the committee that Section 1.7 - Water Quality Management Plan data and mapping format has been forwarded to Meghan Leavey in GIS for review and her comments will be emailed to the committee upon receipt. Section 4.3c which lists 5 required WMP maps and data sources has also been sent to Ms. Leavey for review.

Ms. Brennen noted that there are no specific comments recommended by staff regarding Subchapter 2 which was completely rewritten but little appears to have changed in the way planning responsibilities are assigned.

Ms. Brennen read the recommended comment regarding Subchapter 3 suggesting more clarification regarding where Site Specific Amendments can be requested. She stressed the importance that NJDEP petition the legislature to extend PL 2013, c188 beyond the January 17, 2016 expiration so that an extension would cover the time during which new WMPs and FWSA maps are being prepared.

Ms. Brennen's recommended comment regarding Subchapter 4 is that NJDEP should either provide this information and formats immediately so WMP preparation can begin or the deadline for submission should be extended to at least one year after the information and formats become available, if they are not available prior to rule adoption. It was suggested that two years would be more realistic to prepare a WMP and Ms. Brennen will modify her recommended comment.

Lastly, Ms. Brennen commented that Section 4.5 intends to streamline wastewater treatment capacity analysis and determination of future needs. Eric Pierson, from the Environmental and Sustainability Planning section and who has a lot of experience with water supply modeling, feels confident that he would be able to take the nitrate dilution model to completion that NJDEP would approve.

Chairman Giannell confirmed that the committee agrees with Ms. Brennen's comments and that she should move forward with these recommendations. He added that any additional suggestions should be emailed to her prior to the Planning Board meeting.

7. COMMENTS FROM THE PUBLIC

Mr. Larrabee M. Smith, Holmdel, NJ, presented a letter and Biomat study which Ms. Brennen will circulate to the Amendment Review Committee for information purposes.

8. ADJOURNMENT:

A motion was made by Ms. Grbelja and seconded by Mr. Mele to adjourn at 12:06 p.m.