

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

This meeting was conducted both remotely and in-person
The public could view/comment through Pinelands Commission YouTube link:

<https://www.youtube.com/watch?v=t3dhAi39MLI>

Meeting ID: 839 5957 9142
Richard J. Sullivan Center
15C Springfield Rd
New Lisbon, New Jersey 08064
January 27, 2023 – 9:30 a.m.

Members in Attendance: Alan W. Avery, Jr., Theresa Lettman, Edward Lloyd, Mark S. Lohbauer, Chair Laura E. Matos

Members Absent: Jerome H. Irick

Other Commissioners in Attendance: Douglas Wallner

Staff Members in Attendance (TDM Room): Gina Berg, Ernest Deman, Susan R. Grogan, Brad Lanute, Paul Leakan, Jessica Lynch, Trent Maxwell, Stacey Roth, Steven Simone, Ed Wengrowski

Staff Members in Attendance (Online): Marci Green

1. Call to Order

Chair Matos called the meeting to order at 9:48 am.

2. Adoption of the Minutes from the November 30, 2022, Meeting of the CMP Policy and Implementation Committee

Commissioner Lohbauer moved the adoption of the minutes of the November 30, 2022, Committee meeting. Commissioner Lloyd seconded the motion. All voted in favor.

3. 1998 Memorandum of Agreement (MOA) between the Pinelands Commission and Atlantic County concerning Atlantic County Park at Lake Lenape

Stacey Roth, Chief of Legal and Legislative Affairs, gave a presentation on the amendment to the 1998 Memorandum of Agreement (MOA) with Atlantic County regarding the Lake Lenape Park in Hamilton Township (attached to these minutes and on the Commission's website at: [https://www.nj.gov/pinelands/home/presentations/Atlantic%20County%20Lake%20Lenape%20PI%20Presentation%20\(1-27-23\).pdf](https://www.nj.gov/pinelands/home/presentations/Atlantic%20County%20Lake%20Lenape%20PI%20Presentation%20(1-27-23).pdf)).

The MOA, established in 1998, authorized development along the western shore of Lake Lenape

that was not fully compliant with the Pinelands Comprehensive Management Plan (CMP). Atlantic County seeks to amend the MOA to reconfigure and relocate docks along the lake and alleviate ongoing safety concerns among users of the dock and lake. The amendment would establish a new development pocket along the lake where the County could reconstruct the dock and/or construct a new floating dock to accommodate the variety of uses on the lake. Commission staff also requested the County provide a replacement offset for the loss of deed restricted area. The offset would be located farther north along the western lakeshore.

Ms. Roth requested that the Committee move the matter forward with a recommendation for approval to the full Commission meeting in February.

Commissioner Lohbauer said he is really pleased with how the County has worked closely with staff to ensure this project addresses their needs.

Commissioner Avery moved to recommend approval of the MOA Amendment to the full Commission. Commissioner Lohbauer seconded. All members voted in favor.

4. Update on the Alternate Design Treatment Systems Pilot Program

Ed Wengrowski, Environmental Technologies Coordinator, gave a presentation on the Alternate Design Treatment Systems Pilot Program updated through December 2022 (presentation attached to these minutes and on the Commission's website at:

https://www.nj.gov/pinelands/home/presentations/Project%20status%20update%201.27.2023%20P_I.pdf).

The program was developed by an ad hoc committee of Pinelands Commissioners and others in August 2001. The collaboration was intended to identify advanced treatment systems that would allow residential development on small lots that is otherwise permitted in the CMP and would meet rigorous ecological and water quality standards for nitrogen. The pilot program has been widely successful and garnered attention from other ecologically sensitive areas across the U.S.

Mr. Wengrowski's presentation described multiple recruitment rounds for advanced treatment technologies during the past 20 years, the number of system of installations by year, the percentage of systems installed in each of the Pinelands management areas, the average of system costs, the distribution of the various wastewater treatment technologies according to county and municipality, and the performance data on the various advanced treatment systems. He concluded his presentation by discussing future steps for the program and staff recommendations.

Commissioner Lohbauer said he thinks the pilot program that the Commission has operated for more than 20 years has been an exemplary model for other places around the country. The Commissioner attributed the work to Mr. Wengrowski and expressed his gratitude for Mr. Wengrowski's work in the Pinelands. He said the work Mr. Wengrowski has done has been extraordinary.

Commissioner Lloyd commended Mr. Wengrowski for being a stalwart protector of the Pinelands for 20 years. He said Mr. Wengrowski has been an enormous asset through the years.

Commissioner Avery said he echoed the sentiment, and that he worked with Mr. Wengrowski in the Ocean County government. He said it was not easy to start the pilot program 20 years ago, but it served as a huge benefit to the Commission and to residents who wanted to develop on constrained sites without doing environmental harm.

Mr. Wengrowski thanked the Committee members for their kind words and said that much of the work was done before he arrived at the Commission in 2002, and that his work was mostly just implementing the rules that were already codified in the CMP.

No formal action was required on this agenda item.

5. Update and Discussion of the Proposed Revisions to the Kirkwood-Cohansey water management CMP amendments

Susan Grogan, Acting Executive Director (AED), said the Committee discussed revisions to the Kirkwood-Cohansey (K-C) amendments in November, after which a final draft was prepared and submitted to the Governor's Office for review and approve before Commission action. She said the update is being presented to answer any questions by Committee members and ensure that they are updated on the status of the K-C amendments.

Gina Berg, Planning Specialist, discussed further revisions to the Kirkwood-Cohansey water management rules (presentation attached to these minutes and on the Commission's website at: <https://www.nj.gov/pinelands/home/presentations/K-C%20PI%20012723.2.pdf>). The presentation reviewed further changes to the rule language following Committee comments received in November and meetings with staff in the Water Allocation office of the New Jersey Department of Environmental Protection (DEP) and with representatives of the aggregate industry. Ms. Berg's presentation also described updates on new language for the repropose rule, and a new schedule for adoption of the rules.

Commissioner Lloyd said he did not realize that resource extraction agencies get National Pollutant Discharge Elimination System (NPDES) permits from DEP for return flows. He stated that this is a management program and not an allocation program.

Ms. Berg said the K-C rule is a water management program dealing with volume impacts to resources of the Pinelands, whether that is streamflow or adverse impacts to habitats.

Commissioner Lloyd asked if the DEP is broadly reviewing water quality under the NPDES program. Ms. Berg said yes, and that the mining operations must acquire both a Water Allocation Permit (WAP) and a NPDES permit from DEP. AED Grogan said those permits are in addition to an application to the Commission, a full review that resource extraction applications are meeting the Commission's standards, and issuance of a Certificate of Filing (CF). AED Grogan noted the revised rule will require resource extraction operations to meet all existing CMP application requirements and provide a hydrogeologic report to demonstrate their use is

nonconsumptive. She emphasized that the proposed K-C rules do not change CMP standards for water quality; rather, they are focused on water quantity.

No formal action was required on this agenda item.

6. Public Comment

Michelle Forman of Pemberton, NJ, asked the page count of the Kirkwood-Cohansey rule proposal. Ms. Berg said it is about 30 pages long. AED Grogan added it is posted on the Commission's website.

Ms. Forman asked the page count of the amendment. Ms. Berg said 11 pages and mentioned that public comments are included in a proposal with staff responses. This is included in the 30-page packet.

Heidi Yeh, Policy Director at the Pinelands Preservation Alliance (PPA), asked a question about the definition of non-consumptive use and whether the timeframe is defined in the definition of nonconsumptive use. If there is no specific timeframe and water is held indefinitely, it would effectively constitute a removal.

Ms. Berg said resource extraction applicants would have to describe their diversion location, and volumes of diversion and return, along with the methodology they use for determining that 90% of the water is returned.

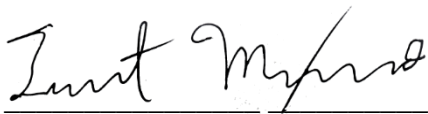
Kevin Coakley, Attorney with Connell-Foley on behalf of Clayton Companies, asked if the proposed amendment that was sent to the Governor's Office is available to the public.

AED Grogan said yes, and that it is posted on the Commission's website.

Chair Matos closed public comment at 10:27 am.

Chair Matos asked for a motion to adjourn the meeting. Commissioner Lohbauer gave the motion. Commissioner Avery seconded. All members voted in favor. The meeting adjourned at 10:27 am.

Certified as true and correct:



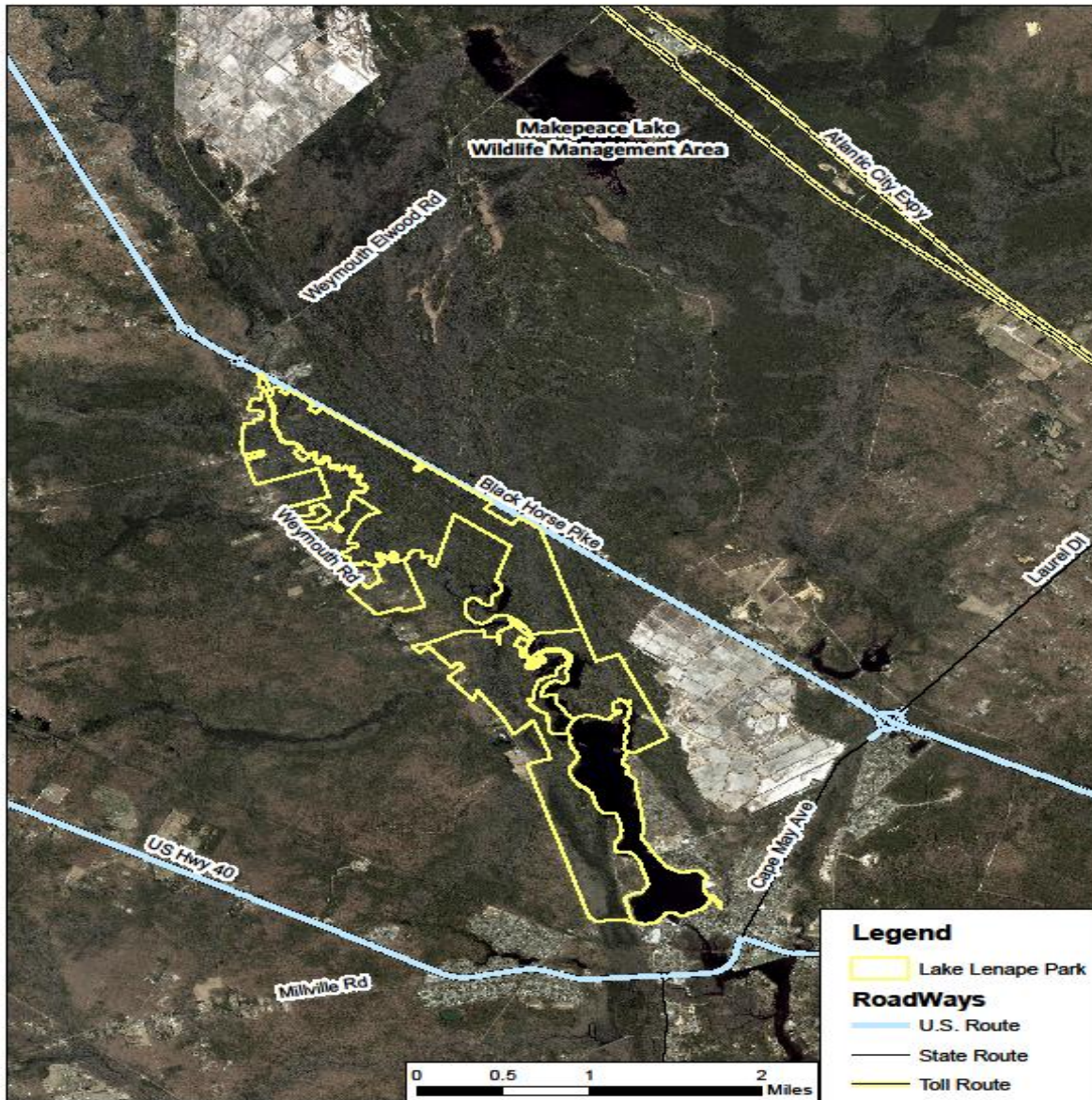
Trent R. Maxwell, Planning Technical Assistant

Date: February 8, 2023

Lake Lenape Park MOA Amendment – Western Shoreline



P&I Committee
Meeting
January 27, 2023



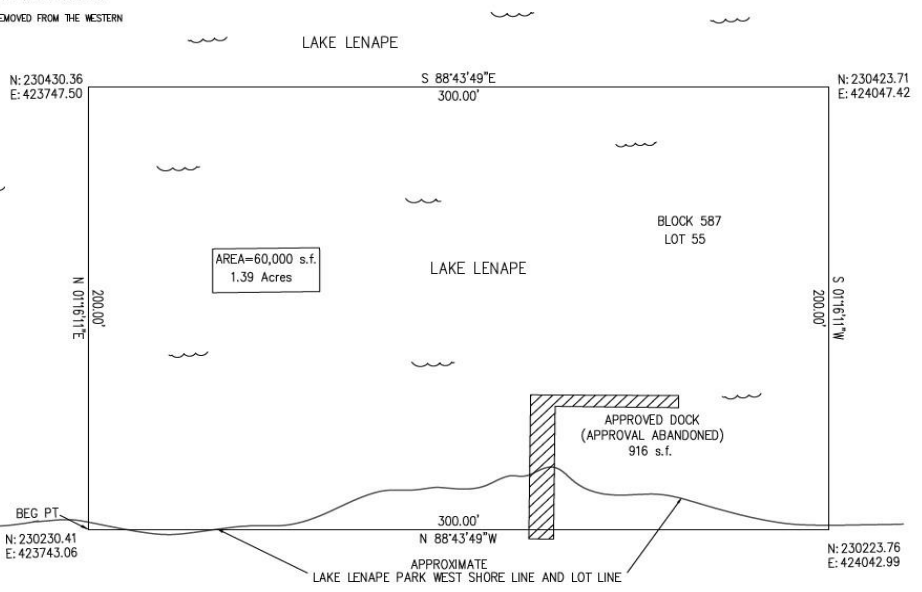
Existing Dock and Boat Ramp



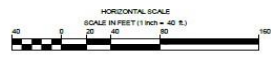
Proposed Offset Pocket

GENERAL NOTES:

1. OWNER: COUNTY OF ATLANTIC
2. BASIS OF BEARINGS, NEW JERSEY STATE PLANE COORDINATES, NAD, 1983.
3. FIELD SURVEY LOCATIONS BY ATLANTIC COUNTY AS OF NOVEMBER 19, 2020.
4. NO DEVELOPMENT IS PERMITTED IN THIS AREA PER AMENDMENT TO MARCH 1988 MEMORANDUM OF AGREEMENT BETWEEN NEW JERSEY PINELANDS COMMISSION AND THE COUNTY OF ATLANTIC.
5. PROPOSED DOCK AND LAKE ACCESS TO BE REMOVED FROM THE WESTERN LAKE SHORE DEVELOPMENT PROGRAM.
6. AREA OF FLOATING DOCK = 916 s.f.



AREA OF DEED RESTRICTION
 BLOCK 587, & PORTION OF LOTS 38 & 55
 TOWNSHIP OF HAMILTON
 ATLANTIC COUNTY, NEW JERSEY



NO.	DATE	DESCRIPTION	BY

DIVISION OF ENGINEERING
 THOMAS A. PRENDERGAST
 COUNTY SURVEYOR
 PROFESSIONAL LAND SURVEYOR
 NEW JERSEY LICENSE NUMBER 34323

COUNTY OF ATLANTIC
 DEPARTMENT OF REGIONAL PLANNING
 AND DEVELOPMENT

EXHIBIT D
 LAKE LENAPE PARK WEST

County Engineer File No. PTY-000X-00-2020-008

Drawn By: GPD
 Checked By: TAP
 Date: 04/14/2021
 CAD File Name: []

Offset



Proposed Development Pocket



NJ Pinelands Commission Alternate Design Treatment Systems Pilot Program

Program update through Dec. 30, 2022

Presented to the Pinelands Policy and Implementation
Committee

January 27, 2023

The Pinelands Ad Hoc Committee on Alternate Septic Systems

The Ad Hoc Committee was formed in 2000. It released its final report recommending the establishment of the pilot program on August 21, 2001

Committee members and affiliation:

- S. Joseph Kowalski, Pinelands Commissioner
- Candace McKee Ashmun, Pinelands Commissioner
- Sally Dudley, Pinelands Commissioner
- Linda M. Eckenhoff, Pinelands Commissioner
- Theodore Gordon, Pinelands Commissioner
- Jay Edward Mounier, Pinelands Commissioner
- Norman F. Tomasello, Pinelands Commissioner
- Edward McGlinchey, Pinelands Municipal Council
- Lee Rosenson, Pinelands Preservation Alliance
- John Sheridan, New Jersey Builders Association

The Alternate Design Treatment System Pilot Program has successfully identified advanced waterwater treatment technologies that enable residential development on parcels as small as one-acre , where such development is otherwise authorized, to meet the Pinelands Commission's ecologically-based 2-ppm nitrogen water quality standard.

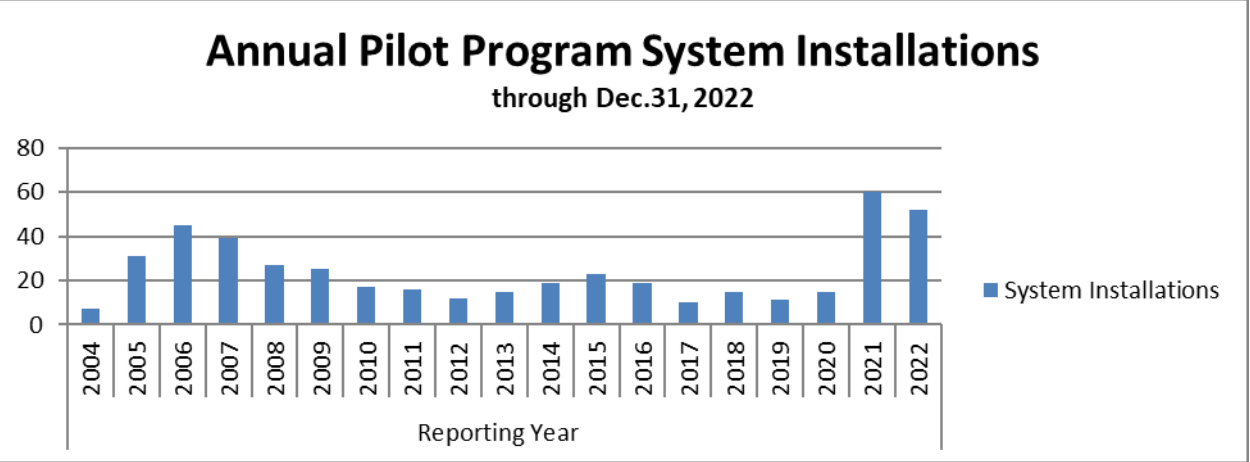
- ▶ The pilot program has garnered widespread attention from similar ecologically sensitive regions. Commission staff have been requested to present on the pilot program at numerous local, regional and national technology transfer conferences and seminars including those for:

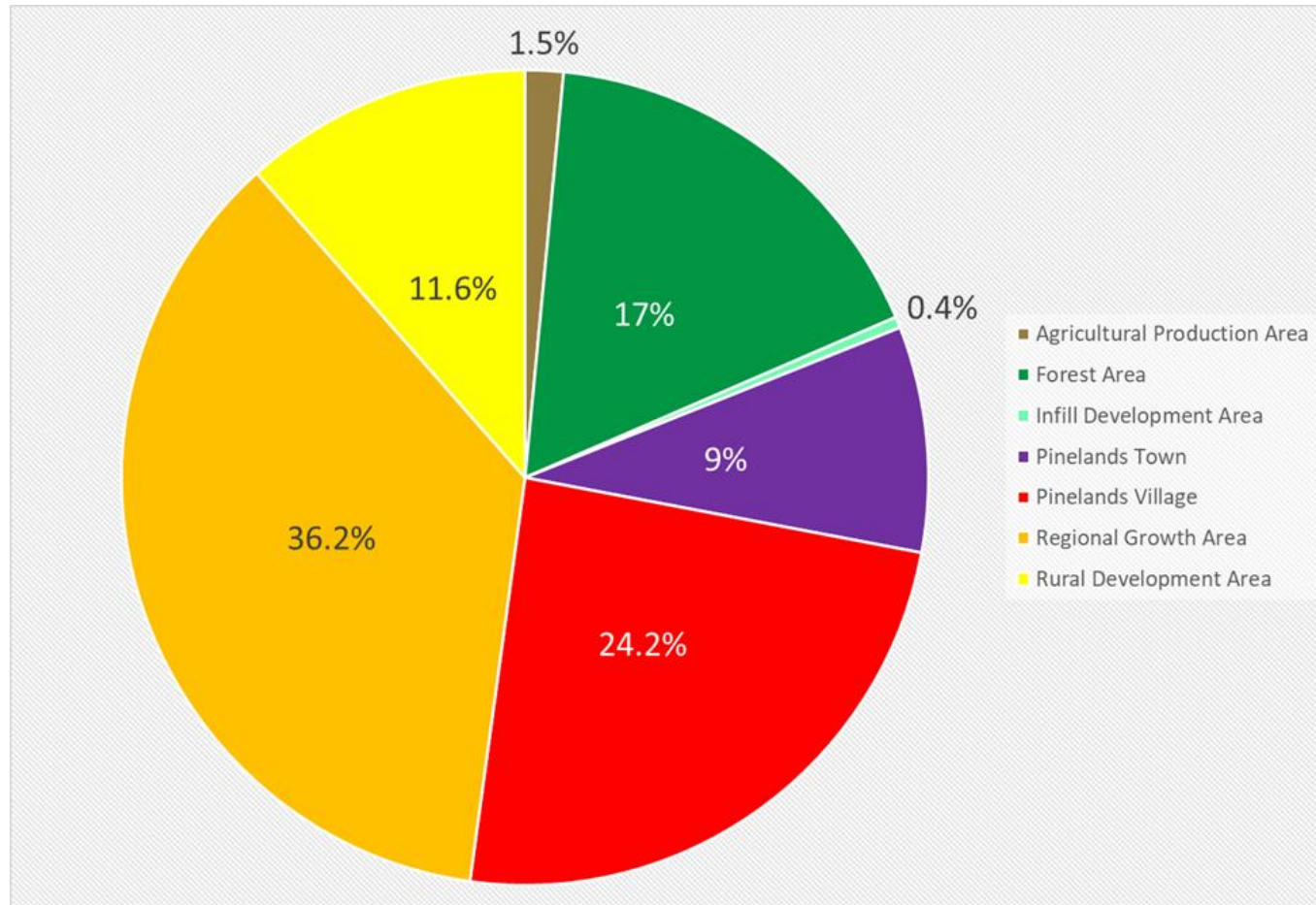
- USEPA
- NJDEP
- Rutgers University
- University of Arizona
- North Carolina State University
- Stockton University
- Brookhaven National Laboratory
- National Environmental Health Association
- New England Interstate Water Pollution Control Commission
- Massachusetts Health Officers Association
- NJ State League of Municipalities
- NJ Association of Environmental Commissions

New technologies were added to the pilot program in three enrollment rounds

Round 1 (2002)	Round 2 (2011)	Round 3 (2021)
Ashco A RFS	BioBarrier	Fuji Clean USA
Amphidrome	Busse GT	Pugo
Bioclere	Hoot ANR	Waterloo Biofilter
Cromaglass	SeptiTech	
Fast		

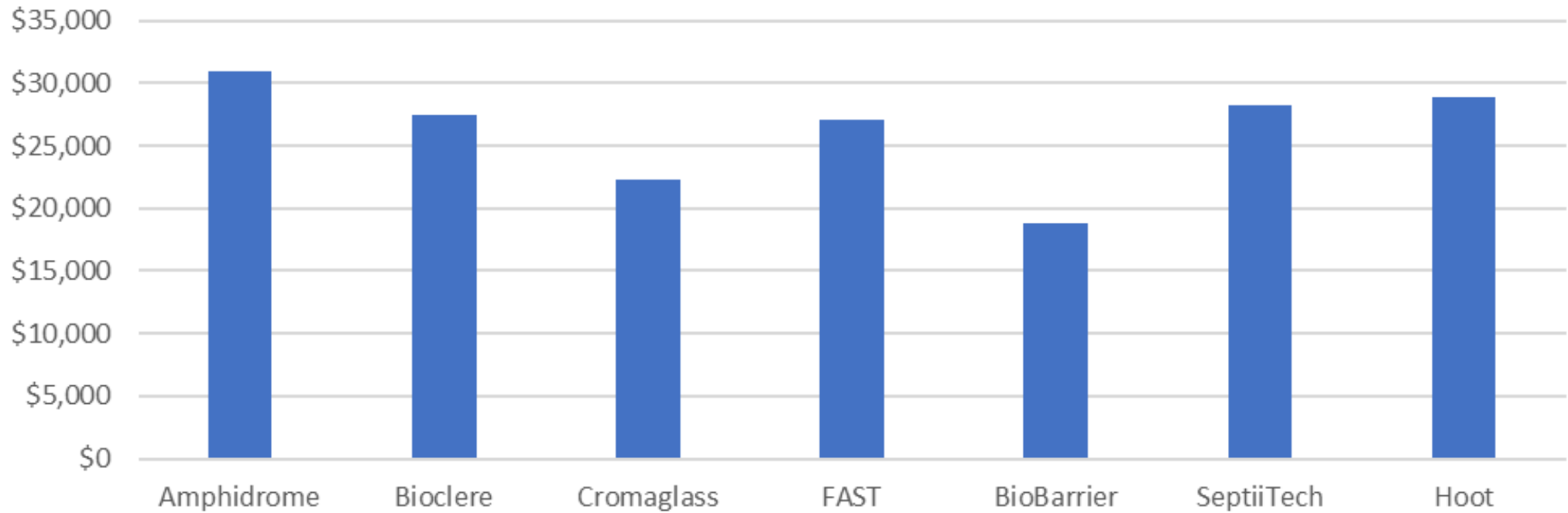
System installations commenced in 2004 and continue through the present day





Pilot program system installations by Pinelands Management Area (through Dec. 31, 2022)

Average of System Costs through Dec. 31, 2022



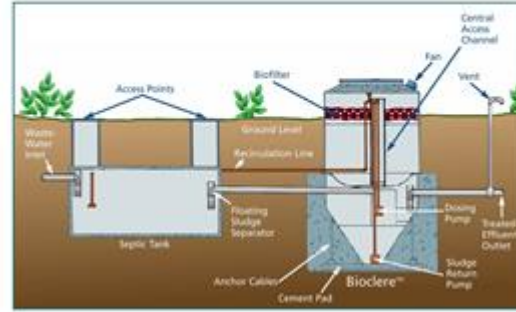
County	Municipality	Technology						Hoot	Total
		Amphidrome	Bioclere	Cromaglass	FAST	SeptiTech	BioBarrier		
Atlantic	Buena Vista					1			1
	Egg Harbor Twp	2	5		2				9
	Estell Manor		9						9
	Folsom	5	3	1	1				10
	Galloway	1	1		2				4
	Hamilton	15	22	4	3				44
	Hammonton	4	3		1				8
	Mullica	3	5		1	2			11
	Port Republic				1				1
Burlington	Evesham	1	1						2
	Medford	3	1		2	8			14
	Pemberton	12	12	23					47
	Shamong	2				1			3
	Tabernacle	3	5	1	1	83	1		94
	Washington	1	1						2
	Woodland	1	3		3	2			9
Camden	Chesilhurst		1						1
	Waterford	3							3
	Winslow	8	6	4	7	16			41
Cape May	Dennis	2							2
	Upper	2	2						4
	Woodbine		1		1				2
Gloucester	Franklin	1		1	3				5
	Monroe				2				2
Ocean	Jackson	23	2	16	9	12	12	3	77
	Lacey	2							2
	Manchester	24	2	9	2	7		1	45
	Stafford	5	1						6
Total Installations		123	86	59	41	132	13	4	458

Technology Locations
by County and
Municipality
through Dec. 31, 2022

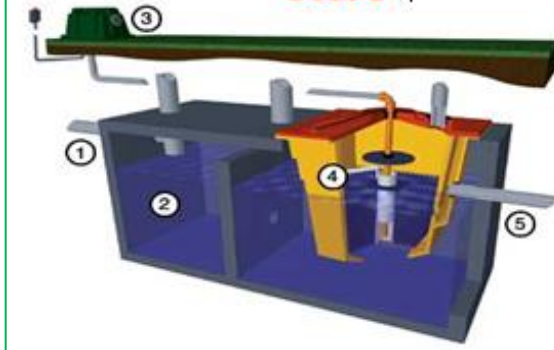
Amphidrome®



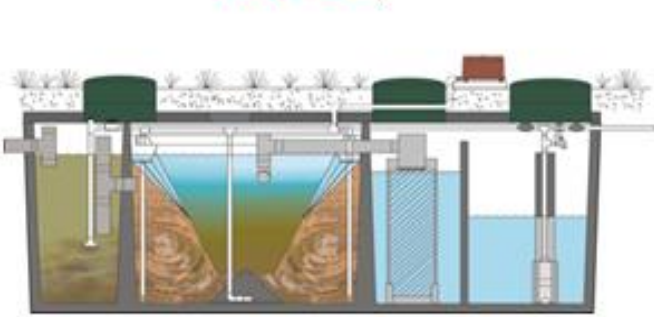
Bioclere



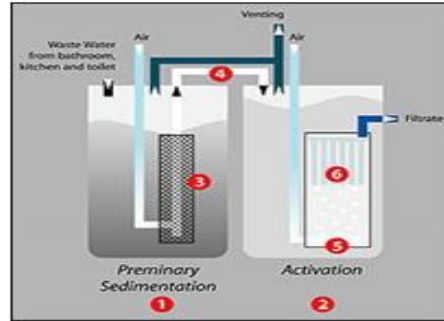
FAST



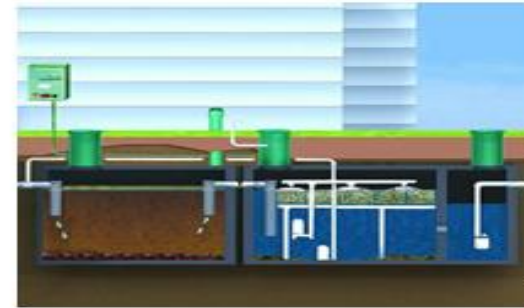
Hoot



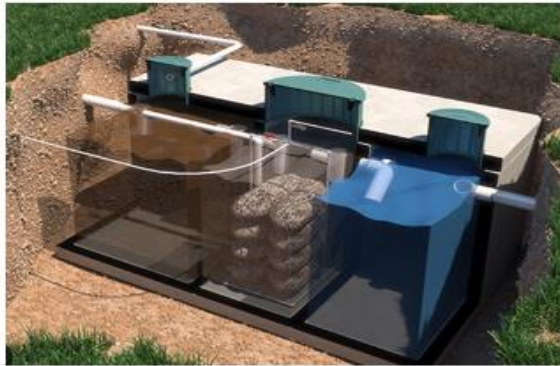
Busse GT



SeptiTech



Pugo System



Fuji Clean USA



Waterloo Biofilter



9 Active Pilot Program Technologies

Permanent Approval
Amphidrome 1-acre
Bioclere 1-acre
SeptiTech 1-acre
Fast 1.4 acre

Testing Phase

Hoot ANR 1-acre
Busse GT 1-acre
Fuji Clean 1-acre
Waterloo Biofilter 1-acre
Pugo 1.26-acre

Next steps:

An Implementation Report on the septic system pilot program is due in November 2025.

Staff recommendations for possible consideration:

- Extend the pilot program through 2027 (August 5, 2027 is the current expiration date of the pilot programs)
- Continued graduation of successful technologies based upon performance monitoring
- Removal of unsuccessful technologies due to inadequate nitrogen attenuation
- Removal of non-participating/non-conforming technologies due to lack of installations or failure to comply with the pilot program requirements

Water Management Rule (Kirkwood-Cohansey aquifer) Update

Substantial Change Notice

P & I Committee

January 27, 2023

Status

- ▶ P & I Committee suggestions/concerns in November
 - ▶ Quantitative language to define nonconsumptive use
 - ▶ Feedback from other agencies
 - ▶ Proximity of water withdrawal & return locations
 - ▶ Water quality concerns on returned water
- ▶ Meeting with NJDEP
- ▶ Meeting with aggregate industry representatives
- ▶ Revised rule language provided to Governor's Office

November draft revisions (recap)

- ▶ definition of nonconsumptive use
- ▶ language stating that diversion standards and modeling requirements in rule will not apply to proposed diversions for resource extraction operations that constitute a nonconsumptive use
- ▶ Other minor changes

NJDEP - Water Allocation Meeting

- ▶ **Nonconsumptive use: 90% return of diverted water**
 - ▶ Application materials required by DEP
 - ▶ Hydraulic dredging process
- ▶ **Nonconsumptive use: Water returned at or near the source**
 - ▶ Extraction area permit
 - ▶ Centroid of pond
 - ▶ Reference approved plan
- ▶ **Water Quality reference - intend to remove**
- ▶ **Hydrogeologic report**
 - ▶ Volume & method of estimating
 - ▶ Location of diversion and return

Aggregate Industry Meeting

- ▶ Regulated by:
 - ▶ Soil districts
 - ▶ Municipalities
 - ▶ Pinelands Commission
 - ▶ State
 - ▶ Water allocation
 - ▶ NJPDES (general permit for mine de-watering)
 - ▶ Mine safety
- ▶ Location of withdrawal and return
 - ▶ Mined by hydraulic dredge
 - ▶ Dredge (barge) is the location of withdrawal and most return

Re-proposal Update

- ▶ Re-proposal
 - ▶ “90% return” added to definition of nonconsumptive use
 - ▶ “quality” removed from definition
 - ▶ Resource extraction application requirement added
 - ▶ Hydrogeologic report to demonstrate 90% return
 - ▶ Describe withdrawal and return volumes
 - ▶ Location of withdrawal and return

Rule Schedule and Next Steps

- ▶ Governor's office review and approval
- ▶ Full Commission- February 10
- ▶ Publication in NJ Register - April 3
- ▶ 60-Day comment period & public hearing ends - June 2
- ▶ P&I Committee - July 28
- ▶ Commission Meeting - August 11
- ▶ Governor's Office review & file with OAL
- ▶ Published adoption - November 6