

Environmental Commission Meeting

Minutes

March 1, 2011

A. Open Meeting

Meeting is called to order at 7:37 p.m. and it is announced that all laws governing the Open Public Meetings Act have been met and that the meeting had been duly advertised.

Members present:

Jerry Cook – arrived @8:32 p.m.

Judy Tutela

Frank Ace

Christina Albrecht

Jay Kelly

Steve Foster, Chair

Public

None present

B. Minutes:

1. February 15, 2011 – Frank Ace made a motion to approve the minutes. Christina Albrecht seconded the motion. All in favor.

C LOI/Freshwater Wetlands

None

D. Correspondence:

1. Letter from South Branch Watershed Assoc., regarding EC membership Dues in the amount of \$150.

Christina Albrecht made a motion to authorize payment of dues for The South Branch Watershed Association. Frank Ace seconded the motion.

2. Letter from State of NJ regarding remedial action – B 74, L 22 (87 Lazy Brook Road) Noted – no action taken

3. Letter from APEX Companies, Inc. regarding sensitive receptor Evaluation and public notification for Walmart Store – Noted – no action taken

4. Letter from Stires Associates, P.A. regarding KDC Solar, LLC B. 61, L (s) 5, 14, 16 Noted – no action taken

E. Old Business:

1. Committee Member projects and interests in 2011"

to set up a discussion for the team - Chairman Foster reminded everyone to try to come up with some ideas from now until the next couple of meetings so the projects can be assigned for the upcoming year.

2. **Review of Franklin Township Solar Ordinance to enhance Readington's Solar Ordinance – The EC reviewed the sample ordinance and found it comprehensive and not offensive.**
3. **Discussion - Bellemead Associates- Jay Kelly stated that both upstream and downstream where the proposed discharge will enter the stream is open space property that is preserved by the township. The Lamington River defines the eastern part of Readington Township. One of the items that Dr. Souza will be reviewing is the HUC 14 ordinance that states you have to put the same amount of water back into the same unit. If the unit where the water is coming out of is deficit, they are breaking the law. He will also be looking at the cleanliness of the water coming out of the pipe. The discharged water that will be going into a different township should be as clean as possible. The EC is going to request that the discharged water is tertiary treated. The next argument that there are endangered species in this area. This treatment plant will negatively impact their quality of life in Readington Township. Dr. Souza is going to find out whether or not NJDEP had processed any more information on upgrading the stream corridor based upon what was submitted in 2006. It is the intent that Dr. Souza will compile this information so that the EC will be able to submit a letter to the Township Committee.**

Tewksbury Township's zoning and Highlands issues – Tewksbury's petition to conform both planning and preservation areas to the Highland's Regional Master Plan was accepted by the Highland's Council on 2-17. Parcels of property and sewers intended to serve fall within the protection zone of the Highlands RMP Land Use Capability Map. New sewer discharges are allowed in the protection zone only to serve centers based upon development or to mitigate against them in emergent public health threat. The Township Committee in Tewksbury Township adopted an ordinance to repeal the Rockaway Village District Zoning from the Bellemead's parcels on Route 222. The zoning for the Bellemead properties which the draft sewer permit is intended to zone is now 5 acre zoning. This type of low density residential zoning is not "centers" based. There are no emergent public health issues in this area to warrant the new sewer discharge...."

Green Acres surface water quality rule issues.... The proposed discharge pipe will be located on the east side of County Road 523 and will discharge into the North Branch of the Rockaway Creek from the

Tewksbury Township side. The parcels of land on both sides of the creek at this location are owned by the respective municipalities' and are identified on each town's recreation and open space inventory. These parcels are subject to Green Acres protection. The North Branch of the Rockaway Creek is a significant recreational trout fishery stream. The creek side - property on the Tewksbury Township side and the former Merck property in Readington Township provide one of the very few publicly accessible locations along the North Branch. A new sewer discharge at this location would make fishing, swimming, dog walking, and hiking less desirable on these parcels. Surface water quality regulations require that existing and designated uses must be maintained. The new discharge would impair the existing public recreation uses for these reasons. The new discharge at this location appears to violate Green Acres rules as well as the surface water quality rules..."

Category One Issues - The sewer application states that the discharge will be within the lower reach of C-1 and that there is no 303 D impairment at this location. The application also states that the sewer effluent will be treated to tertiary treatment levels or better. Tertiary treatment is required for discharge into C-1. However, NJDEP is holding Bellemead to the secondary treatment level, less stringent, because they are discharging into the C-2 segment. Although the Route 523 Bridge is the delineation between C-1 and C-2, the Highlands RMP requires 300 foot buffers around the end of all C-1 segments. The NJDEP stormwater rules also require 300 foot buffers around the C-1 segments.... (A question for Dr. Souza - what is the NJDEP and Highlands policy regarding acceptable uses within the Highlands RMP stormwater rule 300 foot buffers?) This could mean that they would have to run the pipe another 300 feet south.

There is some more work on HUC 14 – This is a bifurcated stream classification of the C-1 trout production to the Route 523 Bridge and then becomes C-2 trout maintenance although still within the same sub-watersheds segment. MBRC discharges into the main stem of the Rockaway Creek, in Whitehouse and back in behind the Exxon Station upstream of the RLSA discharge. The mainstream RC is classified as C-2 non-trout it was at one time a NJDEP nominated candidate for C-1 upgrade due to the extensive upgrade protection of open space to the watershed. Main stream of the creek discharges to the Lamington River behind Lana Lobel Farm in Whitehouse. The Lamington River was upgraded to C-1 for exceptional ecological significance in 2008. The Lamington drains to the North Branch in Bedminster. The obvious questions are why this sewer should be allowed to discharge into C-2 segments of a C-1 watershed particularly upstream of C-1 segments and why discharge in the Highlands well upstream of the drinking water intake on the Raritan, that the Highlands rules are intended to protect in the first place.

Thirdly, if a new sewer discharge is to be allowed - why allow anything less than the strictest standards for sewer effluent.

Mr. Kelly had a question as to whether or not the Lamington River is classified as C-1. Mr. Foster will ask Dr. Souza this question.

Finally, upon investigating does the C-2 reach of the creek still meet the surface water criteria for C-1 upgrade based upon ecological significance. It did at the time Readington petitioned for C-1 classification in 2006.

The endangered and threatened species – the new discharge location is upstream of where the Cole Brook tributary discharges into North Branch of the Rockaway Creek. The Cole Brook tributary headwaters originate behind the Upton Pines Development off of Potterstown Road. The tributary travels down behind the Cole Brook School in Readington, site 8 of the Rockaway Stream monitoring program, crosses Halls Mills Road and travels behind the Merck Child Care Center, continues under Route 523 through the Readington owned Merck parcel and discharges into the North Branch of the Rockaway Creek. This tributary serves as a migratory corridor for Wood Turtle and possibly Bog Turtle. The Readington owned Merck parcel was preserved to protect habitat for endangered and EMT species. What impact will new sewer discharge have on water quality in the lower reach of this tributary? What impact will new sewer discharge have on the tributaries ability to continue to function as a viable EMT species and other wild life corridor?

The chairman reinforced how critical it is for everyone to attend the hearing and to submit written comments.

Jay Kelly is going to have a field trip for his class to the sewage treatment facility on Friday @1:00 p.m. He invited everyone to attend.

Jerry Cook arrived at the meeting. Chairman Foster updated Mr. Cook as to what took place at this meeting. Mr. Cook informed everyone that the he just left his Board of Directors meeting for Trout Unlimited. The Chapter will participate in opposition of this permit. Mr. Cook will forward all information to these individuals.

Chairman Foster informed everyone that March 9, 2011 the County will hold a meeting to discuss sewer capacity. He will not be available. He recommended that members should attend if they're available.

- 4. By-Laws for EC – carried.**

F Educational Opportunities

None

G. Site Plan Review and Comment

PLANNING BOARD – HEARING FILES

None

PLANNING BOARD – COMPLETENESS FILES

None

BOARD OF ADJUSTMENT – HEARING FILES

None

BOARD OF ADJUSTMENT – COMPLETENESS FILES

None

H. Publications

None

I. Minutes

Board of Adjustment – sent via email
Planning Board – sent via email

J. Soil Conservation Reports

None

K. Public Comment - None

L. Adjournment

Mrs. Tutela made a motion to adjourn the meeting at 9:00 p.m. Mr. Ace seconded the motion. All in favor.

Respectfully submitted.