



State of New Jersey
THE PINELANDS COMMISSION
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Chief Planner

Date: September 19, 2018

Subject: September 28, 2018 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on September 28, 2018. We have also enclosed the following:

- The minutes from the Committee's August 24, 2018 meeting;
- Draft resolutions and reports on the Galloway Township and Pemberton Township master plan and ordinance amendments listed on the agenda;
- A draft resolution relating to the eligibility of one parcel for the Limited Practical Use land acquisition program; and
- A draft resolution and adoption notice related to the recently proposed amendments to the Pilot Program for Alternate Design Treatment Systems. A copy of the rule proposal, as published in the New Jersey Register in July, is also attached.

/CS15

cc: All Commissioners (agenda only)



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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey

September 28, 2018

9:30 a.m.

Agenda

1. Call to Order
2. Pledge Allegiance to the Flag
3. Adoption of minutes from the August 24, 2018 CMP Policy & Implementation Committee meeting
4. Executive Director's Reports

Galloway Township 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018, amending Chapter 233 (Land Management) and adopting the Nantucket Redevelopment Plan

Pemberton Township Ordinance 13-2018, amending the Browns Mills Town Center Redevelopment Plan

5. Review of the Executive Director's recommendation to the Pinelands Commission as to the eligibility of a parcel for acquisition under the Limited Practical Use program
6. Proposed Comprehensive Management Plan amendments (Pilot Program for Alternate Design Wastewater Treatment Systems)
 - Review of public comment
 - Recommendation for adoption
7. Public Comment

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

**Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
August 24, 2018- 9:30 a.m.**

MINUTES

MEMBERS IN ATTENDANCE: Chairman Sean Earlen, Robert Barr, Jordan Howell, Ed Lloyd and Richard Prickett

MEMBERS ABSENT: Candace Ashmun and Paul E. Galletta

OTHER COMMISSIONER PRESENT: Mark Lohbauer (as a non-member of this Committee, Commissioner Lohbauer did not vote on any matter)

STAFF PRESENT: Executive Director Nancy Wittenberg, Stacey Roth, Chuck Horner, Larry L. Liggett, Ed Wengrowski, and Betsy Piner. Also present was Craig Ambrose, with the Governor's Authorities Unit.

1. Call to Order

Chairman Earlen called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:34 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the July 27, 2018 CMP Policy & Implementation Committee Meeting

Commissioner Barr moved the adoption of the July 27, 2018 meeting minutes. Commissioner Prickett seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

4. Discussion of the 2004 Memorandum of Agreement between the Pinelands Commission and the South Jersey Transportation Authority related to short-term development projects at the Atlantic City International Airport

Ms. Wittenberg said there have been ongoing discussions with the South Jersey Transportation Authority (SJTA) regarding changes to the 2004 Memorandum of Agreement (MOA) for activities

at the Atlantic City Airport (ACY). She said staff has received much information regarding the issue but the discussion today represents the first step in any changes to the MOA.

Ms. Lauren Staiger, with Gilmore & Monaghan, P.A., counsel to the SJTA, noted that SJTA has requested the review of the MOA due to concerns with the current configuration of the airport. She noted that the Committee had been provided information on the current MOA at its July 27, 2018 meeting. She noted the provisions of the MOA that called for the creation of a designated Grassland Conservation and Management Area (GCMA) that is comprised of 298 acres to address habitat impacts associated with two upland bird species (the grasshopper sparrow and the upland sandpiper) as well as the frosted elfin butterfly. She said, because the GCMA is located within 175' of the runways, there is a concern for potentially dangerous bird strikes. She said currently SJTA is not in compliance with Federal Aviation Administration (FAA) safety requirements concerning wildlife management and wants to find a new location for the GCMA.

Mr. Tim Kroll, ACY Airport Director, said that shortly after the MOA was signed in 2004, the FAA changed the regulations, prohibiting the creation of wildlife habitat within 10,000' of airport operations. He said for ACY, that is within their perimeter fence. He noted that the airport is leased from the FAA and that beyond commercial aviation the airport property has shared uses including the 177th Air National Guard (ANG). He said that the ANG flies single engine F-16s that are highly susceptible to bird damage because of having only a single engine. The ANG provides 24/7 alert coverage from New York City to Washington D.C. in case of an emergency. He said the triggering event to revisit the MOA is the increase in bird strikes, notably 73 of them in 2017. Mr. Kroll stated that the ACY needs to move the attractant away from the active airport operations area.

Mr. Chris Boggs, with the United States Department of Agriculture, Wildlife Services Program, said he was a wildlife consultant who has been at the ACY for 27 years. He said his is a federal agency that assists homeowners, the public and other federal agencies with threatened and endangered species protection and, in the case of the FAA, wildlife hazards. He noted that previously, the presence of laughing gulls, attracted by insects, caused the airport to close due to bird strikes. He said prior to 1993, the airport grasses were meadows. In 1993, the airport went to long grass management to remove the primary gull food source: the Japanese beetle.

Mr. Boggs said that in the process of mitigating for various bird/mammal issues, there is a balance between mitigating for one species only to find one has attracted other, perhaps more hazardous, species. He said the long-term solution starts with habitat management and for now, the species management is sub-lethal control and trapping as well as raptor trapping and relocation. He said the turkey and coyote populations have increased in the vicinity of the ACY and they can hide easily in the tall grasses.

In response to Commissioner Lloyd's question as to which species are of most concern, Mr. Boggs said geese, gulls and swallows (the latter are attracted to insects in the tall grass) and hawks (attracted to small mammal populations) as well as fox and coyotes.

Mr. Boggs said it was hoped that the GCMA would stabilize the upland sandpiper population. He said his data had been used for the Environmental Impact Statement (EIS) for the MOA. He said there has been a continuing decline in the upland sandpiper population at ACY and no successful nesting had occurred this year. Meanwhile, the grasshopper sparrow population is thriving.

In response to Commissioner Lloyd's question as to what SJTA wanted with regard to the existing MOA, Ms. Staiger indicated that SJTA was looking to remove the GCMA, either through amending the current MOA or negotiating a new one. She indicated that SJTA had identified a few alternative sites for the GCMA. However, the sites had not been discussed with Commission staff. She said 290 acres will be expensive to purchase but the butterfly habitat could be placed on site as they cause no hazard to aircraft.

Mr. Boggs added that there is a substantial butterfly population at the FAA Tech Center so that is really not an issue as they cause no damage to aircraft.

Ms. Roth said there is an area of some six to eight acres for butterflies.

Ms. Staiger said SJTA has submitted a proposal that includes concerns expressed by other agencies including the ANG and the Coast Guard regarding significant safety issues.

Mr. Kroll said this year's safety inspection by the FAA noted the need to relocate the habitat due to bird strikes. He said currently the grass is at 3' and it should be mowed to 7 to 10".

With regard to the area where the GCMA is currently located, Ms. Staiger said the airport has no current development plans but may have some future needs for that area. Ms. Wittenberg added that, in the future if they want more development at the airport, there will be a discussion regarding additional habitat protection.

In response to Commissioner Barr's question if the Commission were required to give permission to pursue a new MOA, Ms. Roth said a proposal has been submitted. She said she advocated for a new MOA, rather than revising the exiting one, because so much of it needs updating. She said the original MOA had allowed expansion of a landing pad, runways and terminals to allow the airport to meet its needs.

In response to Commissioner Barr's question if the Commission would receive a clearer idea as to what is being proposed, Ms. Roth said staff would need to be directed to proceed with an MOA offering better or an equivalent level of protection to Pinelands resources. She said the New Jersey Department of Environmental Protection (NJDEP) was also involved with the preliminary discussions with SJTA, but the details have not yet been addressed. She said by authorizing staff to proceed, it can return to the Committee with a draft MOA for its review and then, following a

public process, provide a final draft of the new or amended MOA and a Recommendation Report, including response to comment, to the Commission.

In response to Commissioner Barr's question as to its recourse if the Commission did nothing, Mr. Kroll said as ACY is an FAA-139 airport, FAA could pull its grant funding if ACY is out of compliance with FAA regulations and guidance. Ms. Staiger added, thus far, although there have been no serious bird strikes, there is a concern with safety and liability issues.

Ms. Roth said, once another habitat area is designated, the existing GCMA would remain as grassland within the development pocket until such time as additional development is approved on that site.

Commissioner Lloyd said the Commission should look at a 20-year MOA, rather than a three-year MOA.

Commissioner Prickett said nature is finicky and, by creating another habitat, there is no guarantee that the species of concern will set up home there.

Mr. Boggs concurred and said one cannot trap and release upland sandpipers as they would be put at risk. He said it is not necessary to exclude species from existing at the current GCMA, but one wants to push the buffer away from the active airport area. He said mowing will exclude those bird species from the active area and the separate butterfly area will not be mowed. Mowing to a height of 7" will exclude laughing gulls as they like short grass as do Canada geese. Mr. Boggs said, outside the development area, the airport may attract other species such as geese that are attracted to non-functioning detention ponds. He said when one manages for one species, others may be attracted; with shorter grass, small mammal populations will decrease so raptors will not be attracted to the area.

In response to Commissioner Lloyd's question as to what is allowed within the 10,000' buffer, Mr. Boggs said the airport has lots of different buffers such as height and view obstructions but the 10,000' is specific to wildlife attractants such as ponds or fields of corn.

Responding to Chairman Earlen's question regarding off-site properties suitable for these species, Ms. Staiger said SJTA has identified some properties but has not yet examined them in detail. She said airports present a unique environment with wide open spaces. She said there will be discussions with staff regarding conservation restrictions or monetary contributions. Ms. Roth said staff had met at the airport and the habitat is close to the edge of the pavement. She said the upland sandpiper likes very open areas, and, as they are a migratory species, there may be an option to enhance other areas within the migratory pathway. Mr. Boggs said SJTA has looked at areas already open so trees would not need to be cleared. He said perhaps agricultural sites slated for development would provide suitable sites.

In response to Commissioner Prickett's question as to which of the three species were most in jeopardy, Mr. Boggs said, the upland sandpiper. He said these grassland birds have been in decline in the Northeast for many years. He said the habitat was probably not here previously but the birds expanded their range from the Midwest as eastern forests were cleared. In this area there are probably three populations: at the ACY, McGuire Air Force Base and Lakehurst Naval Air Station, as well as some in the northern portion of New Jersey

Mr. Boggs said SJTA had not done a butterfly survey in recent years but has planted wild indigo, the host plant, and will do so at the new site to attract them.

In response to Commissioner Prickett's question if there were any groups, e.g., non-governmental organizations, that were trying to propagate these species, Mr. Boggs said to his knowledge, no entity, including the Audubon Society or the Division of Fish and Wildlife, is doing so.

In response to Commissioner Prickett's question if there were concerns about the butterfly, Ms. Roth said it is a part of the MOA and that NJDEP is involved as a stakeholder because the frosted elfin is a state designated threatened species.

In response to Chairman Earlen's question if creating butterfly habitat will attract other species to the site, Mr. Boggs said the predatory species for the butterfly is dragonflies. He said SJTA will look to enhance sites where the frosted elfin butterfly already exists. He said there aren't other species attracted to wild indigo so should not pose any impacts.

In response to Commissioner Howell's question as to how many bird strikes have occurred and their impact, Mr. Boggs said there has been a significant increase in recent years from 30-40 annually in the late 1990's to 73 or 74 in the last couple of years. He said the bird strike rate is a mechanism of the amount of air traffic and the environment (weather and migratory patterns). Forty percent of the 33 strikes this year (a relatively low year for strikes) have been grassland species. Mr. Boggs said the impact on the plane depends upon the weight of the bird and one doesn't look at individual birds but the flocking of birds. He said, for instance a flock of 40 to 100 European starlings can do considerable harm due to the total body density and weight and can damage an engine.

In response to Commissioner Lloyd's question if flocking has been a problem, Mr. Boggs said, yes, the flocking of swallows in the spring and summer and then starlings, grackles and other blackbirds in the fall. He said the Pinelands, and all of New Jersey, is located in the coastal plain, a migratory flyway that funnels birds down to Cape May.

Commissioner Prickett said he believed it was important to have multiple locations for these species and that additional butterfly habitat should be established somewhere else in New Jersey. Since there are already grassland bird populations at McGuire and Lakehurst bases, perhaps that existing habitat should be enhanced.

Commissioner Lohbauer said if staff were to tour the airport facilities again, he'd be interested in seeing it first-hand. Ms. Staiger offered to arrange a tour and Ms. Roth said she would follow up with arrangements for the Committee to do so.

Chairman Earlen moved a recommendation to the Commission that the staff start preparing an MOA for the Atlantic City airport. The consensus of the Committee was that it proceed.

Ms. Roth noted that the steps for entering into a MOA are on the Commission's web site at: <https://www.nj.gov/pinelands/appli/moas/2016%20final%20MOA%20process.pdf>

5. Presentation on a 2018 Water Quality Restoration Grant proposal

As an aside, Mr. Wengrowski noted that some ten years ago he met Mr. Boggs during a meeting with public works directors overseeing stormwater basins in the vicinity of the Atlantic City Airport because of the concerns with waterfowl.

Mr. Wengrowski made a presentation on a competitive grant application the Commission will be submitting to the New Jersey Department of Environmental Protection (NJDEP) to seek funding to allow the Commission to partner with the United States Geological Survey (USGS) to evaluate pollutant control stormwater systems that are in use in the Pinelands and New Jersey at large, specifically in the Barnegat Bay watershed. (*Attachment A to these minutes and posted on the Commission's web site at:*

<https://www.nj.gov/pinelands/home/presentations/Stormwater%20BMP's%20NJDEP%20%20Grant%20Application%208.24.pdf>)

Mr. Wengrowski's opening slide depicted a state-of-the-art constructed wetlands developed by the University of New Hampshire (UNH), capable of removing up to 90% of total nitrogen. He said he believed it to be among the most successful pollutant removal techniques available and uses much of the same technology that is utilized by the alternate design wastewater treatment systems.

Mr. Wengrowski noted that the grant is to address nonpoint source pollution, that which comes from the sources not addressed when the state moved from septic to regional sewer systems. Stormwater is a major source of that pollution. He said that stormwater management is needed to prevent flooding, the spread of pathogens, and eutrophication of freshwater bodies. In addition, stormwater is a valuable water resource and he provided estimates (Slide 5) of the amount of annual non-infiltrating rainfall, with over one trillion gallons falling on the Pinelands every year. He said elsewhere in New Jersey, stormwater runoff is allowed to discharge directly into streams but the CMP prohibits the direct discharge of stormwater runoff to wetlands, wetlands buffers or surface water so as not to change water chemistry or hydrology or affect species. He said the CMP's aim is to return stormwater runoff to the Kirkwood-Cohansey aquifer.

Mr. Wengrowski further described how stormwater is managed in the Pinelands, with controls to address runoff and recharge, noting that Mr. Brian Szura, under Mr. Charles Horner's direction, reviews all stormwater plans for the Regulatory Programs office.

Mr. Wengrowski said the Commission's rules aim to return stormwater runoff to the aquifer and developers often propose larger stormwater basins than required by the Commission's rules because the municipalities want to keep water off the roads.

Mr. Wengrowski listed the potential pollutants in stormwater runoff (Slide 8) and described the inroads the CMP has made with improving stormwater quality. He said there are measures such as requiring additional controls for high pollutant load development such as garden centers and gas stations.

Mr. Wengrowski discussed the NJDEP guidance document providing strategies for pollutant removal (slide 6), noting that many are land consumptive and are therefore expensive. The document provides, by percentage, "typical" total nitrogen removal rates from specific BMPs (best management practices) for stormwater facilities.

Mr. Wengrowski said the Pinelands Area serves as the headwaters of the Barnegat Bay watershed and occupies some 38% of the total land area of the watershed. He said Commission staff has served on many Barnegat Bay Partnership committees. Furthermore, he said the grant opportunity is available to state agencies and project selection points are given to those applicants that have met previous NJDEP grant-funded project deliverables, which the Commission has done. He said the funding goal will include \$200,000 from the NJDEP grant, up to \$40,000 from the Pinelands Commission and some \$60,000 from USGS. He said the grant will be used to evaluate the NJDEP guidance document for pollutant removal in the NJ Coastal Plain and determining those BMPs that are most effective in removing select stormwater-borne pollutants. He said the study would identify the effectiveness in removing four pollutants (nitrogen, phosphorus, total suspended solids and bacterial pathogens). He said four to six BMPs will be selected for study, which might include the Commission's own basin. He said the natural vegetation of this basin appears to enhance the ability of the stormwater runoff to infiltrate into the groundwater.

In response to Commissioner Lohbauer's question if there is a system such as the UNH model in the Pinelands, Mr. Wengrowski said he was unsure but there may be one at Ocean County College, in the Pinelands National Reserve. However, if there is one in the Pinelands Area, it could be studied.

Commissioner Lohbauer referenced the list of pollutants on Slide 10, noting that mercury comes from atmospheric sources through the burning of coal.

Commissioner Prickett said this was a very interesting and comprehensive presentation. He noted that mercury accumulates in animals in Barnegat Bay and that there is a need for systems to remove mercury.

Mr. Wengrowski said that locally, there is a fish advisory for the streams in Pemberton because of the high mercury levels.

In response to a question from Commissioner Prickett regarding water that moves into Barnegat Bay, Mr. Wengrowski said that Dr. Baker, with whom the Commission had worked on landfill studies, identified groundwater nitrogen as a significant source of pollution. He said even though it has been years since the poultry farms left Ocean County, the nitrogen generated from those farms will persist for years to come.

Mr. Wengrowski said that many pathogens are attracted to soil particles. He said it is very expensive to test for all parameters but if the Commission had another partner or if NJDEP were to negotiate with the grant applicant, there might be an opportunity for more funding. He said he would have to speak USGS about preserving samples for potential later analysis.

Mr. Wengrowski confirmed Commissioner Lloyd's statement that collecting samples is cheap but analysis is expensive. He added that there may be an issue of sample deterioration with extensive holding times for deferred analysis.

6. Public Comment

Mr. Rich Bizub, with the Pinelands Preservation Alliance (PPA), said the proposed stormwater project was very important and he hoped the Commission could secure funds to do additional evaluations. He said the numbers for pollutant removal rates have been around for a while and are almost boiler plate numbers. He said it is important to see what those numbers really look like in Pinelands soils. He said during the last administration subsurface gravel wetlands were installed in Ocean County and one is outside the Agriculture building on Whitesville Road. He said PPA had recommended during construction that there be a feedback mechanism to monitor what they were doing but there was no follow-up and the last administration had no interest in doing so. He said it would be useful to include one of these systems in the study.

In response to Commissioner Prickett's question regarding the Buena Borough wastewater treatment plant and its ability to remove certain chemicals from wastewater, Mr. Wengrowski said that Mr. Liggett had relayed his interests to him and he was inviting the treatment plant operator to attend an upcoming meeting.

There being no other items of interest, Commissioner Barr moved the adjournment of the meeting and Commissioner Lloyd seconded the motion. The meeting was adjourned at 11:20 a.m.

Certified as true and correct:



Betsy Piner,
Principal Planning Assistant

Date: September 17, 2018

GRANT APPLICATION TO QUANTIFY THE POLLUTANT REMOVAL CAPABILITIES OF SELECT STORMWATER BEST MANAGEMENT PRACTICES

August 24, 2018
Pinelands Policy and Implementation Committee

2018 Water Quality Restoration Grants for Nonpoint Source Pollution

BARNEGAT BAY WATERSHED REQUEST FOR PROPOSALS

Whispering Creek, Equi-Harvest Dam, Sussex County, NJ (Photo credit: NJDEP)

New Jersey Department of Environmental Protection
Division of Water Monitoring and Standards
Bureau of Environmental Analysis, Restoration and Standards

Issuance Date: May 23, 2018
Proposal Due Date: August 31, 2018

NEED FOR STORMWATER MANAGEMENT

Stormwater runoff causes havoc when not properly managed.

- Flooding

Brick
August 2018
- Beach closings

Beachwood
Beach
July 2018

NEED FOR STORMWATER MANAGEMENT

Stormwater runoff causes havoc when not properly managed.

- Eutrophication

Buena
Borough
Sept. 2014

STORMWATER IS A VALUABLE RESOURCE

- Annual average rainfall in South Jersey $\approx 44"$ over 938,000 acres $\approx 3,439,333$ acre-feet $\approx 1.12071 \times 10^{12}$ gallons
- **> One trillion, one hundred-twenty billion gallons** of precipitation falls on the Pinelands each year
 - Of the 44" of total rainfall $\approx 24"$ runs-off or evapotranspires
 - 24" over 938,000 acres ≈ 1.8 million acre-feet $\approx 6.1129637 \times 10^{11}$ gallons
- **> Six hundred-eleven billion + gallons** of non-infiltrating rainfall each year

STORMWATER MANAGEMENT IN THE PINELANDS AREA

- The CMP prohibits the direct discharge of stormwater runoff to:
 - Wetlands;
 - Wetlands buffers; and
 - Surface water bodies.
 - No change to natural hydrology (surface water and ground water levels, natural water chemistry, erosion / sedimentation, wetlands species composition).
 - Recognizes stormwater runoff as a natural resource and necessary to the maintenance of groundwater levels in the unconfined Kirkwood Cohansey aquifer.
- The CMP prohibits (to the maximum extent practical) the direct discharge of stormwater to farm fields to protect crops from flooding, erosion and long term soil saturation.

STORMWATER MANAGEMENT IN THE PINELANDS AREA

CMP has long addressed stormwater **runoff quantity** issues

CMP rate controls:

- The rate (c.f./sec.) that stormwater exits a parcel can not increase in the post-development condition compared to the pre-development condition.

CMP recharge volume controls:

- The volume of stormwater generated from new impervious surfaces by a 10 year storm of 24 hour duration must be retained and infiltrated onsite.
 - For much of the Pinelands Area, the 10 year, 24 hour storm is an approximate 5 inch rainfall over a full day.
- This storm would produce nearly 15,000 gallons of runoff from an area the size of a basketball court (94' x 50'); enough water to fill 14' x 28' x 5' deep swimming pool.
- The CMP ensures that this significant volume of water is recharged to the K/C Aquifer.

STORMWATER MANAGEMENT IN THE PINELANDS AREA

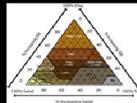
CMP rate and volume standards are typically addressed by installation of an infiltration basin (BMP). Many developers install much larger basins, large enough to infiltrate the 100 year storm.

In siting an infiltration basin the engineer must demonstrate:

- that there is at least **2 feet of vertical separation** between the bottom of the basin and the seasonal high water table;
- that **groundwater mounding** below the basin will not adversely impact (cause flooding of) adjacent below grade structures (e.g. basements, septic fields, etc.); and
- that the basin will fully **drain within seventy-two hours** after the end of the storm event.

STORMWATER MANAGEMENT IN THE PINELANDS AREA

To insure that volume of stormwater can infiltrate and recharge the aquifer, the CMP requires :



POTENTIAL POLLUTANTS IN STORMWATER RUNOFF

- Nitrogen
- Phosphorous
- Bacterial pathogens
- Deicing salts
- Heavy metals
- Oil
- Gasoline
- Sediment
- Mercury
- Pesticides
- Herbicides
- Temperature



MANAGING POLLUTANTS IN STORMWATER RUNOFF

CMP makes inroads into addressing **stormwater quality** issues

CMP requires add'l stormwater controls prior to recharge in:

High Pollutant Load Areas (HPLA) – fueling stations, garden centers, etc.

- Minimize the areal extent
- Cover the area to minimize exposure to rainfall
- Curb and segregate the runoff from non-HPLA stormwater
- Pretreat HPLA stormwater to remove 90% of TSS
- Oil/grease separator to remove petroleum hydrocarbons, if present

Pinelands Stormwater Control Ordinance requires:

- Reduction of the **nutrient load** in stormwater runoff from the post-developed site to the **maximum extent practicable**.

MANAGING POLLUTANTS IN STORMWATER RUNOFF

What constitutes pollutant removal "to the maximum extent practical"?
50%, 60%, 70%, 80%, 90%, higher

Typical Phosphorus and Nitrogen Removal Rates for BMPs (Adapted from NJDEP BMP Manual)		
Best Management Practice (BMP)	Total Phosphorus Removal Rate (%)	Total Nitrogen Removal Rate (%)
Bioretention Basin	60	30
Constructed Stormwater Wetland	50	30
Extended Detention Basin	20	20
Infiltration Basin	60	50
Manufactured Treatment Devices	See NJAC 7:9-3.7(a)	See NJAC 7:9-3.7(b)
Permeous paving	60	50
Sand Filter	50	35
Vegetative Filter	30	30
Wet Pond	50	30
Subsurface Gravel Wetlands	None Reported	90

"Typical" total N removal rates from specific BMPs

- Vegetative Filter = 30%
- Constructed Stormwater Wetland = 30%
- Wet Pond = 30%
- Infiltration Basin = 50%

BMPs can be linked in series (a "treatment train") to attain a higher pollutant removal rate.

However, the actual removal rate is not simply additive. Using the DEP's "typical" data:

Linking each of the four BMPs together in a treatment train produces only an 86% TN removal rate.

2018 WATER QUALITY RESTORATION GRANTS FOR NONPOINT SOURCE POLLUTION

- \$10M is being offered by NJDEP for watershed restoration, enhancement, and protection strategies that address NPS pollution in the Barnegat Bay watershed.
- The Pinelands Commission proposes to partner with the USGS New Jersey Water Science Center to quantify the nutrient and pathogen removal capabilities of existing stormwater BMPs in the Barnegat Bay Watershed.
- The Pinelands Area serves as the headwaters to the Bay and occupies 38 percent of the total land area that comprises the Barnegat Bay Watershed.
- The Pinelands National Reserve occupies fully 58.7 percent of the Barnegat Bay Watershed.

2018 WATER QUALITY RESTORATION GRANTS FOR NONPOINT SOURCE POLLUTION

- Both the Pinelands Commission and NJDEP share the common goal of controlling nitrogen discharges to the environment.
- Pinelands Commission staff actively participate on several Barnegat Bay Partnership Committees including the Science, Advisory, and Education Committees.
- State government agencies are eligible to apply for this water quality restoration grant funding.
- Points will be awarded to applicants that have previously received grant funding from NJDEP and successfully met all project deliverables.

2018 WATER QUALITY RESTORATION GRANTS FOR NONPOINT SOURCE POLLUTION

- Additional points will be awarded to applicants that contribute their own funding the proposed project.
- Our project funding goal:
 - \$200,000 from DEP grant
 - Up to \$40,000 from the Pinelands Commission
 - Up to \$60,000 from the USGS
 - Project total = \$300,000

EVALUATING THE POLLUTANT REMOVAL CAPABILITIES OF BMPS

Why is this research needed?

- The estimated "typical" pollutant removal rates identified in the NJDEP Stormwater BMP Manual may not be representative of actual BMP performance in the NJ Coastal Plain.
- Nutrient and pathogen removal is dependent on physical, microbiological and geochemical processes. This research would determine if BMPs in the Pinelands Area perform equal to, less than or better than indicated in the NJDEP's guidance document.
 - For example denitrification requires sufficient alkalinity and a suitable pH range that may or may not be present in the Pinelands Area.

EVALUATING THE POLLUTANT REMOVAL CAPABILITIES OF BMPS

- This research would identify BMPs are most effective at removing select stormwater-borne pollutants.
- Local (counties) and state agencies (e.g. DEP, DOT) could apply these findings in their BMP retrofits.
- The highest performing BMPs could be prioritized in state and local regulations and ordinances.
- Field-verified pollutant removal rate data could be used to meet existing and future Total Maximum Daily Loads. (TMDLs)

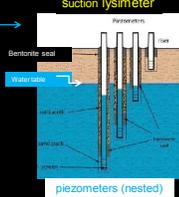
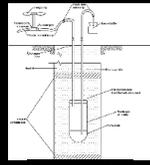
EVALUATING THE POLLUTANT REMOVAL CAPABILITIES OF BMPS

- We would likely select 5 BMPs types to study.
 - Each would be sampled 4 times following significant rainfall events over multiple seasons.
- USGS would sample (raw) stormwater flowing into each BMP at the inflow structure.
- "Treated" stormwater would be sampled from within the BMPs, at the outflow structure (if applicable) and from the subsurface using suction lysimeters and piezometers.
- The devices percent removal efficiency would be calculated for each BMP evaluated and presented in a citable report.



EVALUATING THE POLLUTANT REMOVAL CAPABILITIES OF BMPS

"Treated" stormwater would be sampled from within the BMPs, at the outflow structure (if applicable) and from the subsurface using suction lysimeters and piezometers.



The BMPs percent removal efficiency would be calculated and presented in a citable report.

EVALUATING THE POLLUTANT REMOVAL CAPABILITIES OF BMPS



"K5" Sand-Lined Infiltration Basin (Typ.) Garden State Parkway Lacey Township, NJ

EVALUATING THE POLLUTANT REMOVAL CAPABILITIES OF BMPS



Vegetated Infiltration Basin
Pinelands Commission
Campus Pemberton
Township, NJ

EVALUATING THE POLLUTANT REMOVAL CAPABILITIES OF BMPS



Newly constructed K5 sand lined basins



EVALUATING THE POLLUTANT REMOVAL CAPABILITIES OF BMPS



K5 sand lined infiltration basins with volunteer propagules

EVALUATING THE POLLUTANT REMOVAL CAPABILITIES OF BMPS



Stormwater Wet Pond

Retrofitted Dig and Drop and Plant BMP





Questions?



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Issuing an Order to Certify the Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 of Galloway Township

Commissioner _____ **moves and Commissioner** _____ **seconds the motion that:**

WHEREAS, on March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of the Township of Galloway; and

WHEREAS, Resolution #PC4-87-19 of the Pinelands Commission specified that any amendment to the Township’s certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-87-19 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on May 3, 2018, the Galloway Township Planning Board adopted Resolution 6A-2018, approving the Township’s 2018 Housing Element and Fair Share Plan; and

WHEREAS, on August 14, 2018, Galloway Township adopted Ordinance 1993-2018, amending Chapter 233 (Land Management) of the Township’s Code by adopting affordable housing requirements for purposes of implementing the recommendations of the Housing Element and Fair Share Plan; and

WHEREAS, on August 14, 2018, Galloway Township also adopted Ordinance 1994-2018, approving a redevelopment plan for the Nantucket Redevelopment Area that includes increased residential densities and requirements for the provision of affordable housing and use of Pinelands Development Credits; and

WHEREAS, the Pinelands Commission received certified copies of Ordinances 1993-2018 and 1994-2018 on August 16, 2018; and

WHEREAS, the Pinelands Commission received a certified and complete copy of the 2018 Housing Element and Fair Share Plan on August 24, 2018; and

WHEREAS, by letter dated August 27, 2018, the Executive Director notified the Township that the 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on the 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 was duly advertised, noticed and held on September 12, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that the 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Galloway Township’s 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that the 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 and has reviewed the Executive Director’s report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Galloway Township’s 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Galloway Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

**REPORT ON GALLOWAY TOWNSHIP'S 2018 HOUSING ELEMENT
AND FAIR SHARE PLAN AND ORDINANCES 1993-2018 AND 1994-2018**

September 28, 2018

Galloway Township
300 E. Jimmie Leeds Road
Galloway, NJ 08205

FINDINGS OF FACT

I. **Background**

The Township of Galloway is located in the southeastern portion of the Pinelands Area, in Atlantic County. Pinelands municipalities that abut Galloway Township include Port Republic City, Egg Harbor City and the Townships of Hamilton, Egg Harbor and Mullica in Atlantic County, as well as Washington and Bass River Townships in Burlington County.

On March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Galloway Township.

On May 3, 2018, the Galloway Township Planning Board adopted Resolution 6A-2018, approving the Township's 2018 Housing Element and Fair Share Plan.

On August 14, 2018, Galloway Township adopted Ordinance 1993-2018, amending Chapter 233 (Land Management) of the Township's Code by adopting affordable housing requirements for purposes of implementing the recommendations of the Housing Element and Fair Share Plan.

On August 14, 2018, Galloway Township also adopted Ordinance 1994-2018, approving a redevelopment plan for the Nantucket Redevelopment Area that includes increased residential densities and requirements for the provision of affordable housing and use of Pinelands Development Credits. The Nantucket Redevelopment Area is located in a Pinelands Regional Growth Area.

The Pinelands Commission received certified copies of Ordinances 1993-2018 and 1994-2018 on August 16, 2018 and a certified and complete copy of the 2018 Housing Element and Fair Share Plan on August 24, 2018.

By letter dated August 27, 2018, the Executive Director notified the Township that the 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following master plan and ordinance amendments have been submitted to the Pinelands Commission for certification:

- * The 2018 Housing Element and Fair Share Plan of Galloway Township, adopted by the Planning Board on May 3, 2018;
- * Ordinance 1993-2018, amending Chapter 233 (Land Management) of the Code of Galloway Township, introduced on July 10, 2018 and adopted on August 14, 2018; and
- * Ordinance 1994-2018, adopting the Nantucket Redevelopment Plan, introduced on July 10, 2018 and adopted on August 14, 2018.

These amendments have been reviewed to determine whether they conform with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50 3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50 3.39.

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Master Plans and Land Use Ordinances Relating to Development Standards**

Galloway Township's 2018 Housing Element and Fair Share Plan contains updated data and analysis on the Township's current and projected demographic, housing stock, and employment characteristics as well as an updated Fair Share Plan for the cumulative period 1987-2025. The Township's Fair Share Plan indicates a rehabilitation obligation of 180 units, a prior round obligation of 328 units and a third round prospective need of 884 units. Also included in the Fair Share Plan are detailed descriptions of the residential development projects, both completed and anticipated, that address the municipality's obligation. In the Pinelands Area, these projects include several that have been fully constructed, two that have been approved by the Commission (Heritage Village and Blue Heron Pines) and one (Nantucket) that is the subject of a newly recommended redevelopment plan. The Fair Share Plan further recommends the adoption of an ordinance to require that certain housing developments in the Pinelands Regional Growth Area provide a 20% set-aside for affordable housing units. These recommendations reflect the terms of a 2018 settlement agreement between Galloway Township and Fair Share Housing Center.

Ordinances 1993-2018 and 1994-2018 adopt amendments necessary to implement the recommendations of the 2018 Housing Element and Fair Share Plan.

Ordinance 1993-2018 amends Chapter 233 (Land Management) of the Code of Galloway Township by creating a new Article XII, entitled “Affordable Housing”. The new Article XII includes provisions relating to rehabilitation, accessory apartments, new construction guidelines, affirmative marketing, occupancy standards and other administrative and enforcement matters related to affordable housing. Ordinance 1993-2018 also adopts affordable housing set-aside requirements applicable to residential development in the Township’s Regional Growth Area, Pinelands Villages and Pinelands Town area. Specifically, a 20% set-aside is required for all residential projects of five or more units and all mixed-use projects containing five or more residential units. All such development will continue to be subject to the currently certified zoning in these areas. Permitted densities and residential zoning capacity remain unchanged.

Ordinance 1994-2018 adopts a Redevelopment Plan for an area identified as the “White Horse Pike Corridor Phase 4A”. The new Redevelopment Area, also known as the Nantucket Redevelopment Area, encompasses approximately 60 acres within the Township’s Regional Growth Area. It is located on the north side of Route 30, adjacent to the Pinelands Village of Pomona (see Exhibit #1). All lands in the redevelopment area are currently included in the Township’s HC-2 (Highway Commercial) District where a wide variety of nonresidential uses is permitted. In addition, age-restricted housing is permitted as a conditional use in the HC-2 District at a density of 9.5 units per acre on parcels of at least 15 acres in size. This conditional use was added to the HC-2 District many years ago but has thus far not resulted in the development of any new housing units. With the exception of one existing commercial use, all lands included in the redevelopment area are vacant.

The Nantucket Redevelopment Plan is intended to encourage mixed use development that will provide new residential and commercial opportunities in Galloway Township and revitalize the White Horse Pike corridor. To that end, Ordinance 1994-2018 permits mixed use development in the Nantucket Redevelopment Area, consisting of market multi-family and affordable multi-family residential development and community commercial/office uses. Maximum residential density is 10 units per acre, just slightly higher than the 9.5 units per acre currently allowed in the underlying HC-2 District. The ordinance also requires that twenty % of all units in the Nantucket Redevelopment Area be set aside as affordable housing units. Pinelands Development Credits must be acquired and redeemed for thirty % of all units in the Redevelopment Area, excluding any required affordable housing units.

According to the Redevelopment Plan and Fair Share Plan, at least 306 total units are expected to be developed, 60 of which must be affordable units. In addition, a minimum of 40,000 square feet of commercial or office space is required. Permitted development may be accommodated in mixed use or “stand alone” buildings. Any development that occurs within the Redevelopment Area must comply with all other municipal application requirements and development regulations, as well as the Comprehensive Management Plan.

Based on the new 10 unit per acre permitted density in the Redevelopment Area, Ordinance 1994-2018 permits a maximum of 600 residential units, 30 more than under the previously certified HC-2 District designation. Such a density is significantly higher than that prescribed by the Comprehensive Management Plan for Galloway’s Regional Growth Area. N.J.A.C. 7:50-5.28(a)1 and 3 require the Township to zone for a density of only 3.75 units per upland acre in its

Regional Growth Area. However, the Comprehensive Management Plan does provide municipalities with the ability to zone portions of their Regional Growth Areas for higher densities, provided the lands in question are appropriate for more intensive development, infrastructure exists or can be provided to support the increased density and sufficient opportunities for the use of Pinelands Development Credits are provided. The Nantucket Redevelopment Area meets these standards.

Galloway Township's 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 are consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

3. Requirement for Certificate of Filing and Content of Development Applications

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Ordinance 1994-2018 adopts a new redevelopment plan for a portion of Galloway Township's Regional Growth Area. Based on this plan, multi-family residential development will be permitted at a density of 10 units per acre in the 60-acre Nantucket Redevelopment Area, with the use of Pinelands Development Credits required for 30% of all proposed units. Units made affordable to low- and moderate-income households for purposes of satisfying the 20% set-aside requirement in the Redevelopment Area are exempt from this Pinelands Development Credit requirement. Affordable housing units beyond the required 20% set-aside will require that Pinelands Development Credits be acquired and redeemed at the 30% rate.

The development standards set forth in the Nantucket Redevelopment Plan (10 units per acre maximum density; 30% required PDCs) are very similar to those previously certified by the Commission in the underlying HC-2 District (9.5 units per acre; 30% required PDCs). A new exemption for affordable housing units has been incorporated in recognition of the Township's need to plan for its relatively large affordable housing obligation. The result is little change in theoretical zoning capacity or opportunities for the redemption of Pinelands Development Credits in the Township's Regional Growth Area. At most, 600 new units could be developed and 144 rights (36 Pinelands Development Credits) could be redeemed. As was the case under the prior zoning plan, these numbers are well in excess of what the Comprehensive Management Plan prescribes for Galloway's Regional Growth Area.

It is important to note that both the prior HC-2 District standards and the new Nantucket Redevelopment Area standards described above represent a departure from the traditional zoning and Pinelands Development Credit strategy outlined in N.J.A.C. 7:50-5.28(a). This section of the Comprehensive Management Plan anticipates that municipalities will establish "base" densities in their various Regional Growth Area zoning districts and then provide opportunities to increase such densities through the use of Pinelands Development Credits. In Galloway's Regional Growth Area, the Comprehensive Management Plan establishes a "base" density of 2.5 units per developable acre and directs the Township to provide for "bonus" density through the use of Pinelands Development Credits to allow for a total of 3.75 units per developable acre. There is nothing in the CMP that prevents municipalities from exceeding these minimum requirements, which is exactly what Galloway Township has elected to do. The Township has chosen to provide for higher density in the Nantucket Redevelopment Area as a means of spurring commercial development and satisfying the municipality's affordable housing obligation. At the same time, the Township has adopted standards to ensure that Pinelands Development Credit use will be a significant part of whatever development projects ultimately come to fruition in the redevelopment area.

Rather than relying on the traditional approach of providing developers with the *option* of using Pinelands Development Credits to increase permitted density, Ordinance 1994-2018 *guarantees* a PDC redemption rate of 30% for residential development within the Redevelopment Area, with the exception of affordable housing units. Given the greater certainty provided by this approach, the Executive Director finds that the PDC requirements adopted by Ordinance 1994-2018 are consistent with Comprehensive Management Plan standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Galloway Township's 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Galloway Township's 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The redevelopment area established by Ordinance 1994-2018 does not include lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Galloway Township's application for certification of its 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 was duly advertised, noticed and held on September 12, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments were accepted through September 14, 2018; however, no such comments were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Galloway Township's 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify the 2018 Housing Element and Fair Share Plan and Ordinances 1993-2018 and 1994-2018 of Galloway Township.

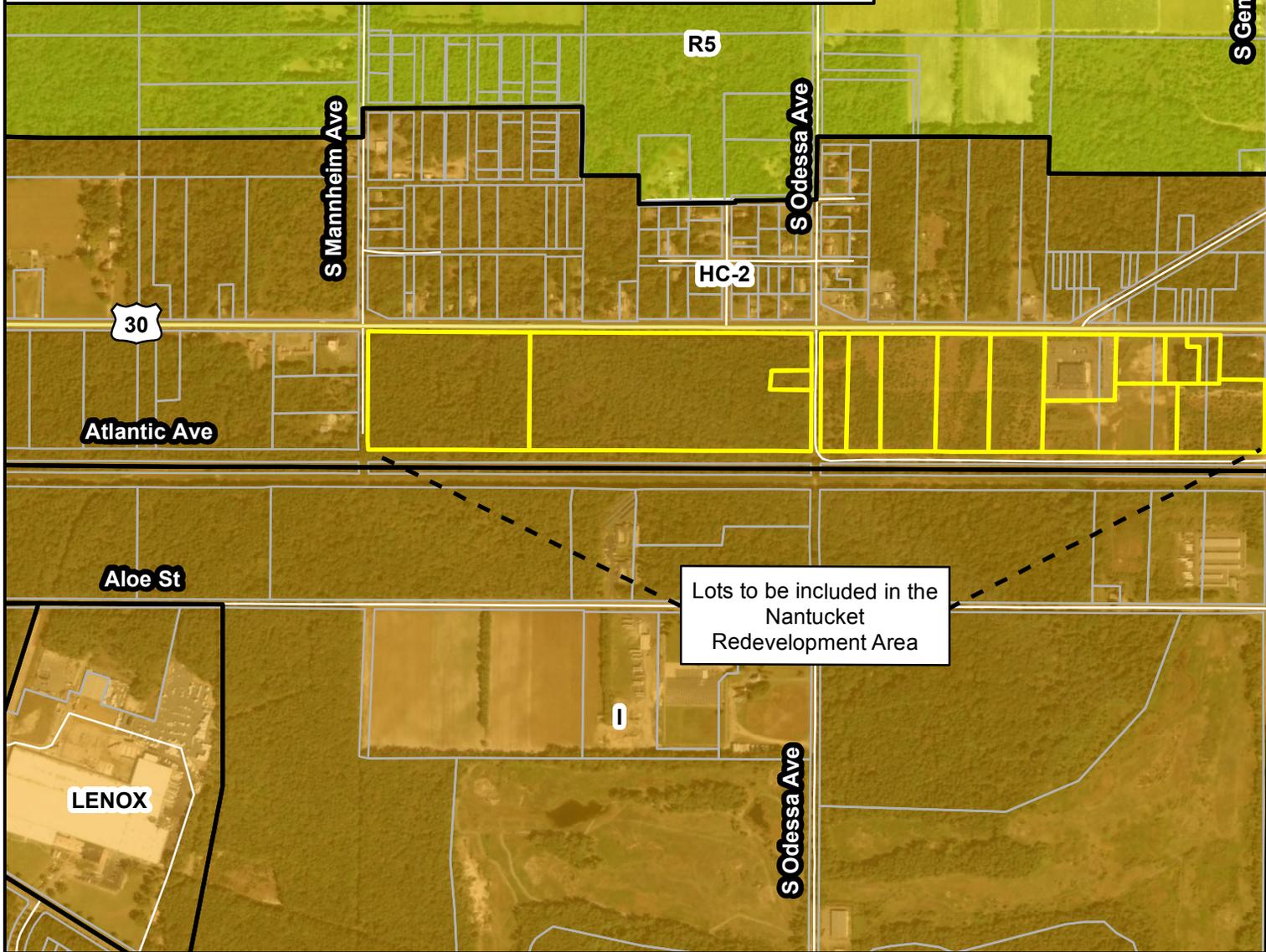
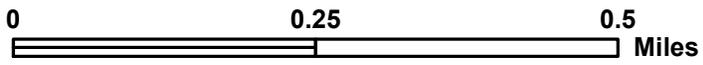
SRG/CGA
Attachment

Existing Conditions of Lots to be Rezoned

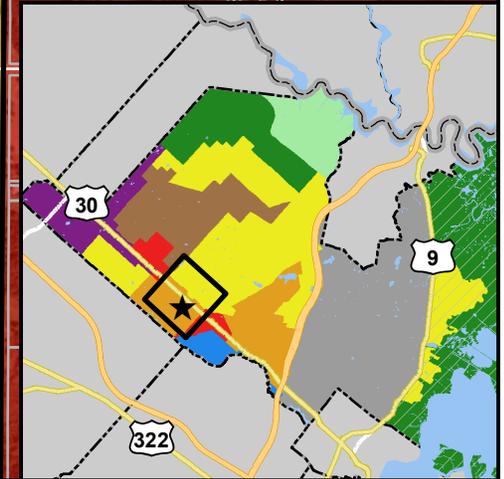
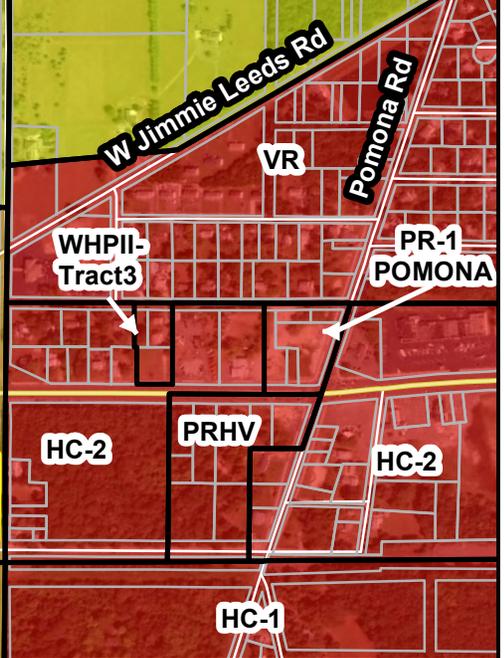
Executive Director's Report
 Galloway Ordinance 1994-2018
 Exhibit 1
 9/28/2018

Pinelands Management Areas

- Rural Development Area
- Pinelands Village
- Regional Growth Area
- Rezoned Lots
- Parcels
- Existing Zoning



Lots to be included in the Nantucket Redevelopment Area



LENOX



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Issuing an Order to Certify Pemberton Township Ordinance 13-2018, Amending the Browns Mills Town Center Redevelopment Plan

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Pemberton Township; and

WHEREAS, Resolution #PC4-83-52 of the Pinelands Commission specified that any amendment to the Township’s certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-52 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on September 8, 2017, the Pinelands Commission certified the Browns Mills Town Center Redevelopment Plan, as adopted and amended by Pemberton Township Ordinances 12-2011 and 15-2017, respectively; and

WHEREAS, on July 11, 2018, Pemberton Township adopted Ordinance 13-2018, further amending the Browns Mills Town Center Redevelopment Plan by adopting a revised zoning plan for the redevelopment area; and

WHEREAS, the Browns Mills Town Center Redevelopment Area is located entirely within a Pinelands Regional Growth Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 13-2018 on August 17, 2018; and

WHEREAS, by letter dated August 27, 2018, the Executive Director notified the Township that Ordinance 13-2018 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 13-2018 was duly advertised, noticed and held on September 12, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance 13-2018 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 13-2018 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that Ordinance 13-2018 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 13-2018 and has reviewed the Executive Director’s report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5H, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Pemberton Township Ordinance 13-2018, amending the Browns Mills Town Center Redevelopment Plan, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Pemberton Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

**REPORT ON PEMBERTON TOWNSHIP ORDINANCE 13-2018,
AMENDING THE BROWNS MILLS TOWN CENTER REDEVELOPMENT PLAN**

September 28, 2018

Pemberton Township
500 Pemberton-Browns Mills Road
Pemberton, NJ 08068

FINDINGS OF FACT

I. Background

The Township of Pemberton is located in eastern Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Pemberton Township include New Hanover, Springfield, Southampton and Woodland Townships in Burlington County and Manchester and Plumsted Townships in Ocean County.

On June 3, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Pemberton Township.

On September 8, 2017, the Pinelands Commission certified the Browns Mills Town Center Redevelopment Plan, as adopted and amended by Pemberton Township Ordinances 12-2011 and 15-2017, respectively. The Redevelopment Plan effectively established a new zoning plan for the Browns Mills Town Center Redevelopment Area, which is located entirely within a Pinelands Regional Growth Area.

Also in 2017, the Township began working with the New Jersey Department of Community Affairs, Local Planning Services, on a revised vision for the Browns Mills Town Center Redevelopment Area. That planning process led to the drafting of revisions to the redevelopment plan, both to simplify the extensive design standards contained in the prior plan and to better address residential development potential in the area.

On July 11, 2018, Pemberton Township adopted Ordinance 13-2018, amending the Browns Mills Town Center Redevelopment Plan by adopting a revised zoning plan for the redevelopment area. The Pinelands Commission received a certified copy of Ordinance 13-2018 on August 17, 2018.

By letter dated August 27, 2018, the Executive Director notified the Township that Ordinance 13-2018 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 13-2018, amending the Browns Mills Town Center Redevelopment Plan, introduced on June 20, 2018 and adopted on July 11, 2018.

This ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50 3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50 3.39.

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Land Use Ordinance Relating to Development Standards**

Ordinance 13-2018 amends the Browns Mills Town Center Redevelopment Plan previously enacted by Ordinances 12-2011 and 15-2017. Located entirely within a Pinelands Regional Growth Area, the Browns Mills Town Center Redevelopment Area is centered around Pemberton-Browns Mills, Juliustown and Trenton Roads and contains extensive areas of existing development. Ordinance 13-2018 does not change the boundaries of the Redevelopment Area itself. Rather, the ordinance adopts a new zoning plan within the Redevelopment Area that reflects revised permitted uses and residential densities. Whereas the prior redevelopment plan called for six districts within the Redevelopment Area, Ordinance 13-2018 establishes only four. The boundaries of the new TC-MU (Town Center Mixed Use), TC-R (Town Center Retail), TC-N (Town Center Neighborhood) and TC-WD (Town Center Waterfront Development) Districts are depicted on Exhibit #1.

Ordinance 13-2018 permits various types of residential development in the TC-MU, TC-N and TC-WD Districts, including single-family detached units, attached single-family units (duplexes and townhouses), apartments and assisted living facilities. Permitted densities range from five to 20 units per acre, with requirements for the use of Pinelands Development Credits associated with residential developments of five or more units. A wide variety of nonresidential uses is permitted in the TC-MU and TC-R Districts, with a more limited list of uses permitted in the TC-WD District. Exhibit #2 shows existing building types and areas where redevelopment opportunities exist within the Redevelopment Area.

Residential zoning capacity under the amended Redevelopment Plan is difficult to determine, given that it is somewhat dependent on the redevelopment of already developed properties. The Township's estimates of residential zoning capacity under the prior plan included the potential for some 250 new units, a figure that included a small number of condominiums or apartments on the second and third floors of certain commercial buildings. Residential development potential under the amended Plan adopted by Ordinance 13-2018 is likely not significantly

different, despite the higher permitted density for apartments and assisted living facilities. While somewhat higher than the CMP's prescribed density for Pemberton's Regional Growth Area (3.0 units per upland acre), this permitted intensity of development is not inconsistent with CMP standards given the availability of infrastructure and the primarily developed nature of this portion of Pemberton's Regional Growth Area.

Pemberton Township Ordinance 13-2018 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

3. Requirement for Certificate of Filing and Content of Development Applications

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

The revised zoning plan adopted by Ordinance 13-2018 for the Browns Mills Town Center Redevelopment Area permits new residential development (single-family detached units, attached single-family units apartments and assisted living facilities) within three different zoning districts (TC-MU, TC-N and TC-WD). Permitted densities range from five units per acre for single-family detached units to 10 units per acre for single family attached units (duplexes and townhouses). A maximum density of 20 units per acre is permitted for apartments and assisted living facilities.

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate Pinelands Development Credits

(PDC) as provided for in N.J.A.C. 7:50-5.28(a)3. In order to comply with N.J.A.C. 7:50-5.28(a)3, Ordinance 13-2018 requires that PDCs be acquired and redeemed for 25% of all single-family detached, single-family attached, multifamily and assisted living facility units in the Redevelopment Area. This requirement applies only to projects of five or more units (i.e., major developments) and does not include condominiums or apartments over retail stores.

While the 25% requirement for residential development in the redevelopment area is not as high a number as would be provided through the more traditional zoning approach where PDCs would account for 33 percent of the total number of permitted units, it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance 13-2018 *guarantees* that PDCs will be purchased and redeemed as part of the approval of any major residential development within the redevelopment area, regardless of the density or number of units that are ultimately built. Given the greater certainty provided by this approach, the Township's desire to promote mixed use development and the higher density permitted overall in the Redevelopment Area, the Executive Director believes that the 25% PDC requirement adopted by Ordinance 13-2018 should be viewed as being consistent with Comprehensive Management Plan standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Pemberton Township Ordinance 13-2018, amending the Browns Mills Town Center Redevelopment Plan, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Pemberton Township Ordinance 13-2018, amending the Browns Mills Town Center Redevelopment Plan, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The Browns Mills Town Center Redevelopment Area is not contiguous with or adjacent to any other municipalities. Therefore, this standard is not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Pemberton Township's application for certification of Ordinance 13-2018 was duly advertised, noticed and held on September 12, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments were accepted through September 14, 2018; however, none were received.

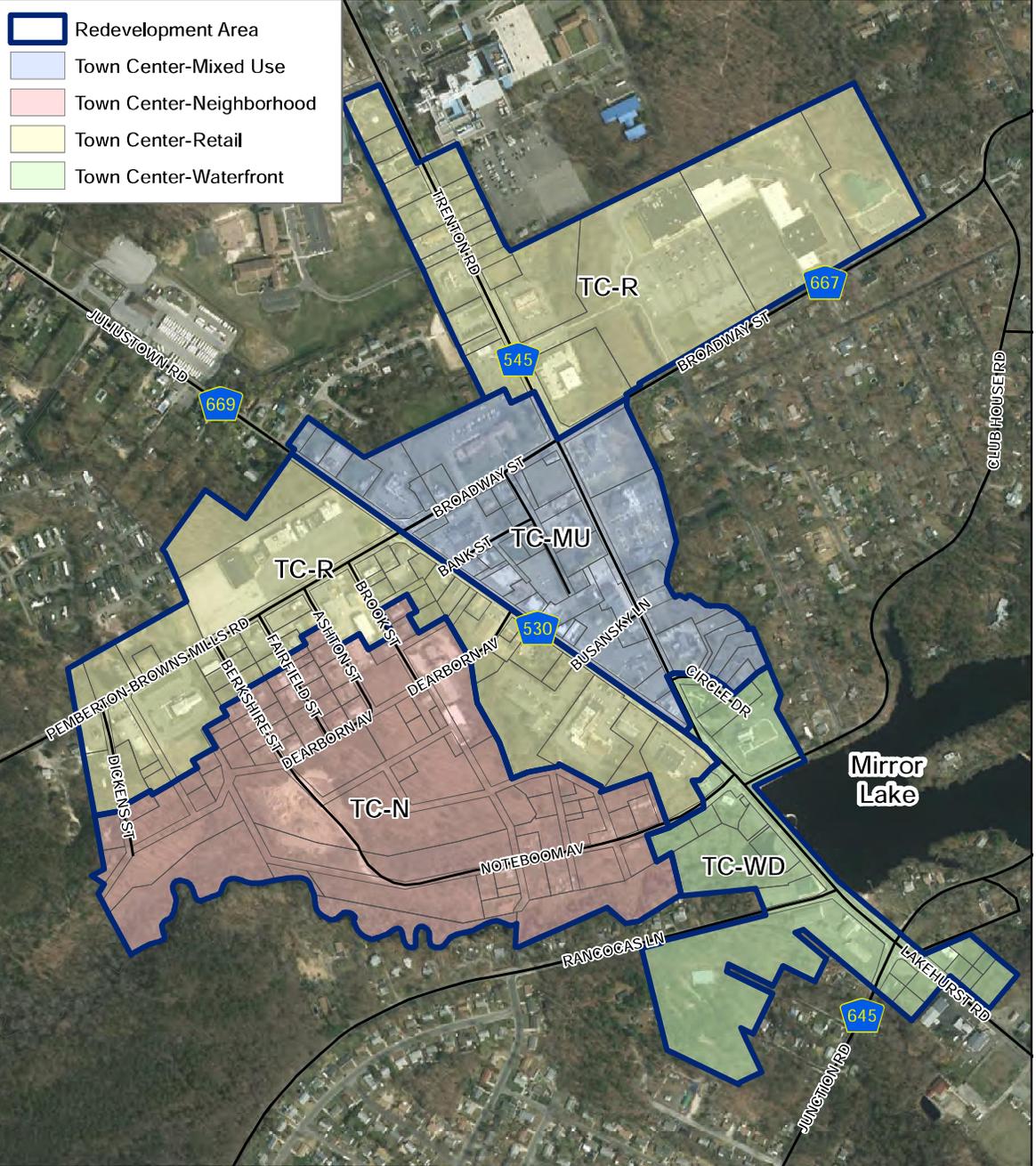
CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Pemberton Township Ordinance 13-2018, amending the Browns Mills Town Center Redevelopment Plan, complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 13-2018 of Pemberton Township.

SRG/CPE
Attachments

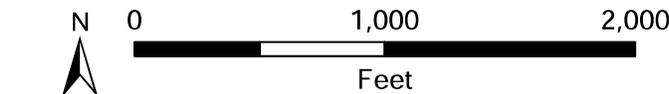
Map 7

New Districts in the Browns Mills Redevelopment Area




STATE OF NEW JERSEY
 DEPARTMENT OF
 COMMUNITY AFFAIRS

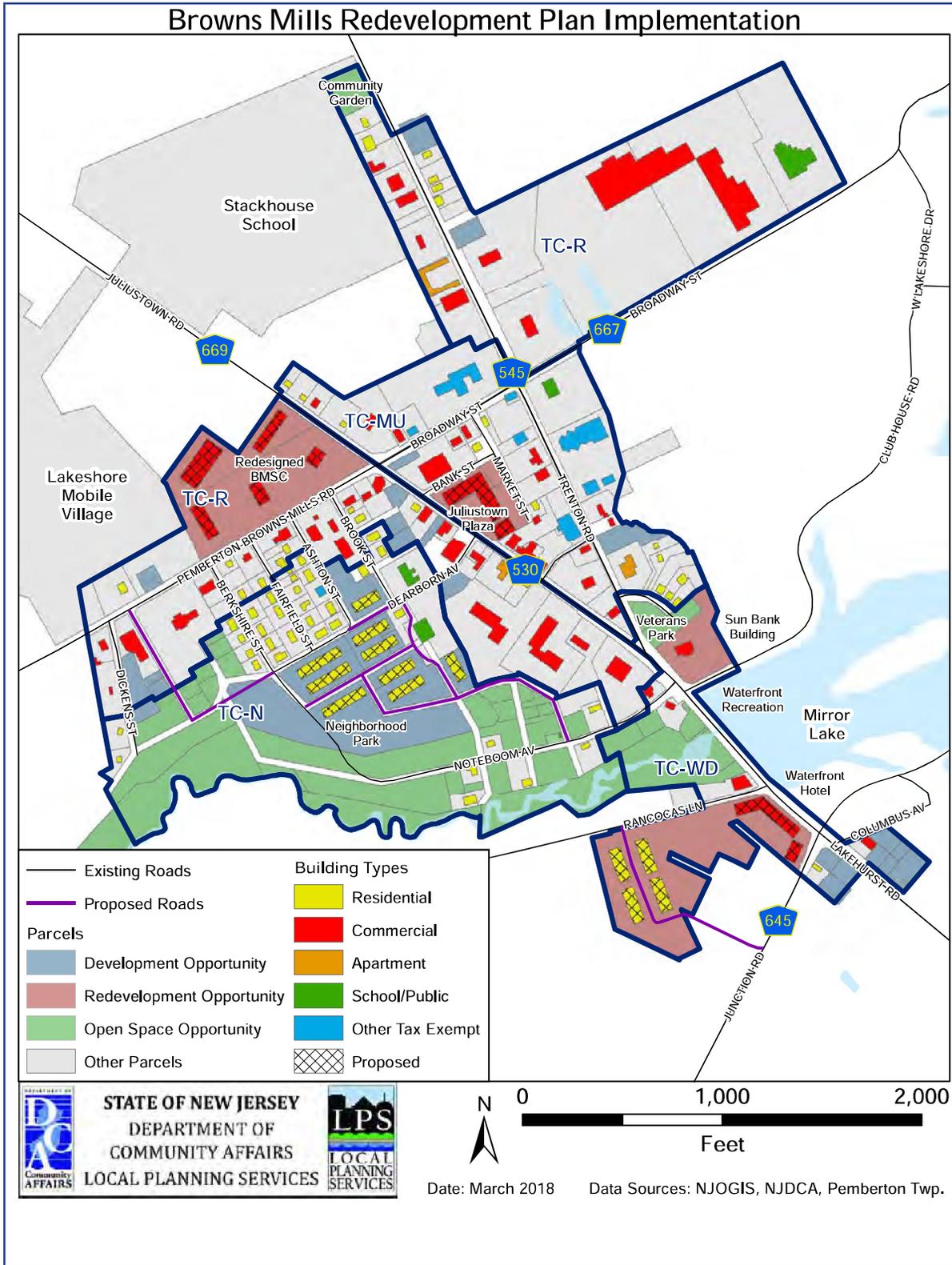
LOCAL PLANNING SERVICES



Date: March 2018 Data Sources: NJGIS, NJDCA, Pemberton Twp.

Map 14

Browns Mills Redevelopment Plan Implementation





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Determining the Eligibility of a Parcel of Land for Acquisition by the Department of Environmental Protection Pursuant to the Limited Practical Use Program

Commissioner _____ **moves and Commissioner** _____ **seconds the motion that:**

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and recommendation of the Executive Director that the following parcel is eligible for acquisition under the Limited Practical Use program:

2007-0398.001 **Brian Tomasino**, Block 134.01, Lot 4; Block 134.02, Lot 3; Block 146, Lot 3; Block 153, Lot 3; Galloway Township, 4.15 ac.; Pinelands Town (TR zoning district); waiver application denied August 10, 2018.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for this parcel; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for this parcel; and

WHEREAS, the Pinelands Commission hereby determines that the parcel conforms to the criteria set forth in N.J.A.C. 7:50-9.2 and 9.3 for eligibility for acquisition under the Limited Practical Use program; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission approves the acquisition of the following parcel and authorizes the Executive Director to transmit the name of this property owner to the Department of Environmental Protection for acquisition, provided that the landowner freely agrees to sell his parcel:

2007-0398.001 **Brian Tomasino**, Block 134.01, Lot 4; Block 134.02, Lot 3; Block 146, Lot 3; Block 153, Lot 3; Galloway Township, 4.15 ac.; Pinelands Town (TR zoning district); waiver application denied August 10, 2018.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinlands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinlands.nj.gov
Application Specific Information: AppInfo@pinlands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

REPORT ON PROPERTY ELIGIBILITY FOR THE PINELANDS LIMITED PRACTICAL USE PROGRAM

August 30, 2018

Brian Tomasino.
4 Brookview Lane
Granby CT 06035

Please Always Refer to
This Application Number
App. No. 2007-0398.001
Galloway Township
Block 134.0, Lot 4
Block 134.02, Lot 3
Block 146, Lot 3
Block 152, Lot 3

Dear Mr. Tomasino:

The Commission staff has completed its review of this application for eligibility in the Pinelands Limited Practical Use (LPU) land acquisition program. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application at its October 12, 2018 meeting.

FINDINGS OF FACT

This application is for a determination of eligibility for the Pinelands Limited Practical Use Land Acquisition Program. The property is located in Galloway Township's TR (Town Residential) zoning district within a Pinelands Town management area and contains 4.15 acres. An application for a Waiver of Strict Compliance by the applicant to develop a home on this parcel was denied by the Pinelands Commission on August 10, 2018.

The subject parcel contains all contiguous land in common ownership on or after January 14, 1981. There are no principal structures located on the parcel. No resource extraction operation has been approved for this parcel. No development has been approved for this parcel. There are no Pinelands Development Credits allocated to the parcel. Based on the available information, the parcel cannot be developed consistent with the requirements of the Comprehensive Management Plan (CMP). The applicant owns less than 50 acres of land in the Pinelands as of July 17, 1995.

CONCLUSION

N.J.A.C.7:50-9.2 and 7:50-9.3 set forth the standards which must be met in order for a property to be determined eligible for the Limited Practical Use Program. The first condition is that the Pinelands Commission has either denied a Waiver of Strict Compliance for the parcel in question pursuant to N.J.A.C. 7:50-4, Part V or has approved a Waiver of Strict Compliance for the parcel and granted a transferable development right to other lands in accordance with N.J.A.C.7:50-4.66(b)3 and 5.30(a). As the applicant received a Waiver denial on August 10, 2018, the applicant meets the criteria contained in N.J.A.C. 7:50-9.2(a)1.

The second condition is that the parcel contains less than 50 acres. As the parcel contains 4.15 acres, the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a) 2.

The third condition is that the standards contained in N.J.A.C. 7:50-9.3 relative to the ownership and the present and potential uses of the parcel in question have been met. The applicant has demonstrated that the parcel meets the standards contained in N.J.A.C. 7:50-9.3 so the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a)3.

The property is eligible for the Limited Practical Use acquisition program because all program eligibility criteria in N.J.A.C. 7:50-9.2 and N.J.A.C. 7:50-9.3 have been met. As a result, it is recommended that the Pinelands Commission APPROVE the application and notify the Department of Environmental Protection that the subject parcel is eligible to be acquired under the provisions of N.J.A.C. 7:50-9.

APPEAL

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 PM on September 28, 2018 and include the following information:

- A. the name and address of the person requesting the appeal;
- B. the application number;
- C. a brief statement of the basis for the appeal; and
- D. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission will act on this application at its meeting on October 12, 2018. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a hearing.

If you have any questions, please contact Betsy Piner of our staff.

Sincerely,



Susan R. Grogan, P.P., AICP
Chief Planner



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: To Adopt Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Alternate Design Wastewater Treatment Systems Pilot Program)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on June 8, 2018, the Pinelands Commission authorized the publication of proposed amendments to the Comprehensive Management Plan through adoption of Resolution PC4-18-18; and

WHEREAS, the proposed amendments, which eliminate the installation deadline for alternate design wastewater treatment systems participating in the Commission’s Pilot Program, were published in the July 16, 2018 issue of the New Jersey Register at 50 N.J.R. 1523(a); and

WHEREAS, the Pinelands Commission held a public hearing to elicit public comment on the proposed amendments on August 29, 2018; and

WHEREAS, the Pinelands Commission also solicited written comment on the proposed amendments through September 14, 2018; and

WHEREAS, the Pinelands Commission received and reviewed one comment on the proposed amendments; and

WHEREAS, the Pinelands Commission wishes to adopt the proposed amendments in accordance with the September 28, 2018 Notice of Adoption; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission in adopting the Comprehensive Management Plan or amendments thereto shall have force or effect until thirty (30) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

1. The Pinelands Commission hereby adopts the proposed Comprehensive Management Plan amendments, as published in the July 16, 2018 New Jersey Register, and in accordance with the attached September 28, 2018 Notice of Adoption.
2. The Executive Director shall forward the amendments and minutes of this action to the Governor of the State of New Jersey, and shall also forward these amendments to the United States Secretary of the Interior for review in accordance with Section 502 of the National Parks and Recreation Act of 1978.
3. The amendments shall take effect as provided in the Pinelands Protection Act and upon publication in the New Jersey Register.

Record of Commission Votes

AYE NAY NP A/R*					AYE NAY NP A/R*					AYE NAY NP A/R*				
Ashmun					Howell					Prickett				
Avery					Jannarone					Quinn				
Barr					Lloyd					Rohan Green				
Chila					Lohbauer					Earlen				
Galletta					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

PINELANDS COMMISSION

Pinelands Comprehensive Management Plan

Pilot Program for Alternate Design Wastewater Treatment Systems

Adopted Amendments: N.J.A.C. 7:50-6.84, 10.22 and 10.23

Proposed: July 16, 2018 at 50 N.J.R. 1523(a)

Adopted: October 12, 2018 by the New Jersey Pinelands Commission,
Nancy Wittenberg, Executive Director

Filed: _____, 2018 **without change**

Authorized by: New Jersey Pinelands Commission

Authority: N.J.S.A. 13:18A-6j.

Effective Date: ____, 2018

Expiration Date: Exempt.

The New Jersey Pinelands Commission (Commission) is adopting amendments to Subchapters 6, Management Programs and Minimum Standards, and 10, Pilot Programs, of the Pinelands Comprehensive Management Plan (CMP). These amendments were proposed on July 16, 2018 at 50 N.J.R. 1523(a). Their purpose is to allow for continued installation of certain wastewater treatment technologies in the Pinelands Area.

In association with publication of the proposed amendments in the July 16, 2018 issue of the New Jersey Register, the Pinelands Commission transmitted the proposal to each Pinelands municipality and county, as well as to other interested parties, for review and comment. Additionally, the Pinelands Commission:

- Sent notice of the public hearing to all persons and organizations that subscribe to the Commission's public hearing registry;
- Placed advertisements of the public hearing in the four official newspapers of the Commission, as well as on the Commission's own web page;
- Submitted the proposed amendments to the Pinelands Municipal Council pursuant to N.J.S.A. 13:18A-7f;
- Distributed the proposed amendments and new rule to the news media maintaining a press office in the State House Complex; and
- Published a copy of the proposed amendments on its web page at www.nj.gov/pinelands

Summary of Hearing Officer Recommendations and Agency Response:

A formal public hearing was held before the Commission staff on August 29, 2018. One individual attended the hearing and provided oral testimony on the rule proposal. The hearing officer's recommendations are in accordance with the public comment and agency responses below.

The hearing was recorded on magnetic tape which is on file at the Commission's office at 15 Springfield Road, New Lisbon, New Jersey. The record of this rulemaking is available for inspection in accordance with applicable law by contacting:

Betsy Piner

Pinelands Commission

P.O. Box 359

New Lisbon, NJ 08064

Summary of Public Comments and Agency Responses:

The Commission accepted oral comments on the July 16, 2018 proposal at the above-discussed August 29, 2018 public hearing and written comments by regular mail, facsimile or e-mail through September 14, 2018.

Comments were received from one individual: Rich Bizub, Director for Water Programs, Pinelands Preservation Alliance. Mr. Bizub expressed support for the proposed amendments and the Pilot Program as a whole. He agreed it was appropriate to remove the installation deadline for pilot program technologies and important to provide an opportunity for new technologies to participate in the program. The Commission appreciates this expression of support.

Federal Standards Statement

Section 502 of the National Parks and Recreation Act of 1978 (16 U.S.C. §471i) called upon the State of New Jersey to develop a comprehensive management plan for the Pinelands National Reserve. The original plan adopted in 1980 was subject to the approval of the United States Secretary of the Interior, as are all amendments to the plan.

The Federal Pinelands legislation sets forth rigorous goals which the plan must meet, including the protection, preservation and enhancement of the land and water resources of the Pinelands. The amendments now being adopted are designed to meet those goals by allowing for the continued installation and monitoring of alternate design wastewater treatment systems for residential development in the Pinelands Area.

There are no other Federal requirements which apply to the subject matter of these amendments.

DRAFT

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

ENVIRONMENTAL PROTECTION

(a)

PINELANDS COMMISSION

Pinelands Comprehensive Management Plan Pilot Program for Alternate Design Wastewater Treatment Systems

Proposed Amendments: N.J.A.C. 7:50-6.84, 10.22, and 10.23

Authorized By: New Jersey Pinelands Commission, Nancy
Wittenberg, Executive Director.

Authority: N.J.S.A. 13:18A-6.j.

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2018-064.

A **public hearing** concerning this notice of proposal will be held on:

August 29, 2018, at 9:30 A.M.
Richard J. Sullivan Center
15C Springfield Road
New Lisbon, New Jersey

Submit written comments by regular mail, facsimile, or e-mail by
September 14, 2018, to:

Susan R. Grogan, P.P., AICP
Chief Planner
Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
Facsimile: (609) 894-7330

E-mail: planning@pinelands.nj.gov or through the Commission's website at <http://nj.gov/pinelands/home/contact/planning.shtml>

The name and mailing address of the commenter must be submitted with all public comments. Commenters who do not wish their names and affiliations to be published in any notice of adoption subsequently prepared by the Commission should so indicate when they submit their comments.

The agency proposal follows:

Summary

The New Jersey Pinelands Commission (Commission) proposes to amend N.J.A.C. 7:50-6, Management Programs and Minimum Standards, and 10, Pilot Programs of the Pinelands Comprehensive Management Plan (CMP). The Pinelands CMP has been guiding land use and development activities in the Pinelands since it took effect on January 14, 1981. Since that time, the CMP has been amended a number of times, most recently in March 2018, through a set of amendments

related to fees, escrows, application requirements and procedures, public notice and mailing requirements, water quality standards, landfill closure, signs, and the Pilot Program for Alternate Design Wastewater Treatment Systems (see 50 N.J.R. 969(a)).

The proposed amendments relate solely to the Pilot Program for Alternate Design Wastewater Treatment Systems. They are intended to modify the standards of this long-standing pilot program to allow for the continued installation of certain wastewater treatment technologies in the Pinelands Area. A more detailed description of the pilot program and proposed amendments follows.

In 2000, the Pinelands Commission formed a special Ad Hoc Septic System Committee to research alternate septic system technologies that might better meet the water quality standards of the Comprehensive Management Plan (N.J.A.C. 7:50-6, Part VIII) for residential development on lots smaller than 3.2 acres, where such lots were already authorized pursuant to N.J.A.C. 7:50-5. In its research efforts, the Committee consulted wastewater engineering professionals, State and regional on-site technology demonstration projects, alternate treatment system technology manufacturers, Pinelands Area county health departments and other State and local agencies. Based on this research, the Committee identified five technologies that it determined could be expected to meet Pinelands water quality standards for residential development on lots smaller than 3.2 acres in size. The identified technologies were the Amphidrome, Ashco RFS^{III}, Cromaglass, Bioclere, and FAST treatment systems. Based upon nitrogen removal expectations and the Pinelands Septic Dilution Model, the Committee concluded the Amphidrome, Cromaglass, Bioclere, and FAST systems could be permitted on lots of at least one acre and that the Ashco RFS^{III} system could be allowed on residential lots of at least 1.5 acres. All of the identified systems utilize proven biological nutrient removal processes to reduce nitrogen levels in treated wastewater. The water quality requirements of N.J.A.C. 7:50-6, Part VIII, include provisions that are aimed at controlling the amount of nitrogen that enters the environment because nitrogen itself is a significant pollutant and because it often serves as an indicator of changes in overall water quality.

The Ad Hoc Septic System Committee unanimously recommended that an interim program be developed for the approval, installation, and monitoring of the five identified wastewater treatment technologies and that the interim program include conditions and safeguards to govern their use. To implement these recommendations, the Pinelands Commission adopted a set of amendments to the Comprehensive Management Plan that authorized the use of the technologies through the establishment of the Alternate Design Treatment Systems Pilot Program (see 34 N.J.R. 722(a); 2804(b)). These Comprehensive Management Plan amendments, which took effect on August 5, 2002, are codified at N.J.A.C. 7:50-10, Part IV. The Pilot Program was implemented to provide a means to test whether the five identified technologies could be maintained and operated, so as to meet the water quality standards of the

Comprehensive Management Plan in a manner that a homeowner can be reasonably expected to follow.

Implementation of the Pilot Program commenced on August 5, 2002, with the first pilot program treatment system installed in 2004. As of June 2017, a total of 305 pilot program systems have been installed in association with single-family residential development in 28 different Pinelands municipalities.

N.J.A.C. 7:50-10.23 of the Comprehensive Management Plan requires that the Executive Director review the Alternate Design Treatment Systems Pilot Program periodically and report the findings of that evaluation to the Pinelands Commission in a program implementation report. The criteria by which the Pilot Program is periodically evaluated are set forth at N.J.A.C. 7:50-10.23(b)1 through 6. The Executive Director issued program implementation reports in 2006, 2009, and 2012. Links to all reports may be found on the Commission's website at www.nj.gov/pinelands. In response to the recommendations set forth in these reports, the Commission adopted amendments to the Comprehensive Management Plan to:

- Authorize the installation of Pilot Program technologies in all Pinelands municipalities;
- Provide the ability to install more than 10 of any Pilot Program technology in the same residential development;
- Grant permanent approval status to three Pilot Program technologies (Amphidrome, Bioclere, and FAST) in recognition of their demonstrated ability to meet CMP water quality standards;
- Remove one technology (Ashco RFS^{III}) from the Pilot Program due to its commercial unavailability in the Pinelands Area;
- Remove one technology (Cromaglass) from the Pilot Program due to its inability to meet CMP water quality standards;
- Provide the Executive Director with the authority to impose an immediate suspension on all new installations of a Pilot Program technology that is not adhering to the requirements of the program or meeting CMP water quality standards;
- Provide an opportunity for additional prescreened technologies to enter the Pilot Program; and
- Continue the Pilot Program by allowing installation of new systems through August 5, 2018.

The above-referenced CMP amendments took effect in 2006, 2007, 2010, 2014, and 2018 and may be found at 37 N.J.R. 4133(a), 38 N.J.R. 4133(a); 39 N.J.R. 1970(a), 5077(b); 42 N.J.R. 987(a), 2422(a); 46 N.J.R. 319(a), 1877(a); and 49 N.J.R. 3075(a), 50 N.J.R. 969(a).

The Executive Director completed a fourth Implementation Report in November 2017, last revised in April 2018 (http://www.nj.gov/pinelands/landuse/current/altseptic/Final%20April%202018%20%202018_ImplementationReport.pdf). In this report, the Executive Director found that:

- The continued use of advanced on-site treatment technologies is essential to the efficient use and orderly development of the growth-oriented areas of the Pinelands Area.
- The Pilot Program provides an appropriate means to test whether technologies can be maintained and operated, so as to meet CMP water quality standards in a manner that a homeowner can reasonably be expected to follow.
- The Pilot Program has been successful in identifying technologies that achieve compliance with Pinelands water quality standards when used for residential development on appropriately-sized lots.
- Landowners in the Pinelands Area benefit when new technologies are accepted into the Pilot Program, expanding choices and stabilizing prices.
- Proper operation and maintenance remains crucial to the long-term performance of the Pilot Program technologies.

Based on these findings, the Executive Director recommended that the Commission continue to monitor and evaluate the four technologies currently in the Pilot Program and issue another implementation report in November 2019. The Executive Director further recommended that two new technologies be added to the Pilot Program in 2018. Finally, the Executive Director recommended that the Commission amend the CMP to remove the current August 5, 2018 installation deadline for Pilot Program technologies.

The Commission is now proposing amendments to the CMP to revise the Pilot Program in response to the findings and recommendations set forth in the 2017 implementation report. Specifically, N.J.A.C. 7:50-10.22(a)4 and 10.23(h) are proposed for deletion in order to remove the August 5, 2018 deadline for installation of pilot program technologies. The Commission believes the installation deadline is no longer necessary, given that the Executive Director has the authority, pursuant to recodified N.J.A.C. 7:50-10.22(a)5, to immediately suspend all installations of a particular technology if monitoring data shows the system is not meeting CMP water quality standards. Likewise, the Executive Director may suspend installations if it becomes evident that a technology vendor is not complying with the terms of the Pilot Program. The Executive Director may also require an increased lot size for a particular technology if monitoring results indicate a larger land area is necessary to meet CMP water quality standards. Because sufficient safeguards exist, a fixed installation deadline is not needed. It is worth noting that a fixed deadline has also proven over time to be difficult to administer. It often impacts development applications in progress and can only be changed upon completion of a lengthy rulemaking process.

In addition to removal of the installation deadline, recodified N.J.A.C. 7:50-10.22(a)6v is proposed for amendment to clarify the required certifications that must be provided to the Commission as a condition for use of an alternate design pilot program treatment system. This subparagraph previously required that the manufacturer of each system (or the manufacturer's agent) certify to the Commission and the county board of health that installation of each system has been properly completed. An amendment is proposed to require that the certification be made by both the manufacturer and a New Jersey licensed professional engineer, and that the certification relate not only to proper installation of the system but also to its proper operation. These amended certification requirements will now be fully consistent with those already set forth in N.J.A.C. 7:50-6.84(a)5v for advanced treatment systems that have been permanently authorized for use in the Pinelands Area. To avoid confusion, the Commission believes it important that certification requirements for all systems be identical.

N.J.A.C. 7:50-6.84(a)5iv(2)(F) and (3)(F) are proposed for amendment to update the cross-references in these sections to the Pilot Program requirements that are recodified at N.J.A.C. 7:50-10.22(a)5.

As the Commission has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

No adverse social impact is anticipated as a consequence of the adoption of the proposed amendments. Society as a whole benefits from the protection of the Pinelands and the proposed amendments are designed to do just that. Any social impacts that do result are expected to be positive. Conversely, a negative social impact might result should the proposed amendments not be adopted. This stems from the fact that the existing rules, at N.J.A.C. 7:50-10.22(a)4 and 10.23(h), prohibit the installation of pilot program treatment systems after August 5, 2018. Absent the adoption of the proposed amendments, pilot program systems could no longer be used after that date for residential development on unsewered properties of less than 3.2 acres in the Pinelands Area. Even with the proposal of the herein amendments, there will be a period of several months after August 5th when installation of new pilot program systems cannot proceed because the rulemaking process will not yet be complete.

Economic Impact

The economic impact of the proposed amendments to the Pilot Program for Alternate Design Wastewater Treatment Systems will clearly be positive for those landowners seeking to develop their one- to 3.2-acre properties in unsewered areas of the Pinelands Area. Without the proposed amendments, use of pilot program technologies would not be permitted after August 5, 2018. Landowners would then have limited options available to them; they could only use one of the three permanently approved advanced treatment technologies. Reduced choices could drive up the prices of these three approved technologies. Non-adoption of the amendments would also create a problem for landowners and homebuilders with applications in progress, if they were

unable to install their proposed pilot program systems prior to August 5, 2018. The Commission is seeking to minimize negative economic impacts by proposing the amendments at this time, so as to shorten the time period within which pilot program system installations will not be permitted and limit the number of negatively affected property owners and applicants

Environmental Impact

Elimination of the installation deadline associated with the Alternate Design Wastewater Treatment Systems Pilot Program is expected to provide environmental benefit. Elimination of the deadline provides a continued opportunity for installation of new systems, which carries with it the opportunity for the Commission to collect data and monitor existing pilot program technologies and authorize new prescreened advanced wastewater treatment systems to enter the program and be installed and monitored. The installation of additional systems will result in more monitoring and testing of effluent, and this will ultimately provide the Commission with more data to be evaluated as part of the pilot program. Provided they are maintained properly, these systems provide the potential for improved water quality when compared with conventional septic systems.

Federal Standards Statement

Section 502 of the National Parks and Recreation Act of 1978 (16 U.S.C. § 471i) called upon the State of New Jersey to develop a comprehensive management plan for the Pinelands National Reserve. The original plan adopted in 1980 was subject to the approval of the United States Secretary of the Interior, as are all amendments to the plan.

The Federal Pinelands legislation sets forth rigorous goals that the plan must meet, including the protection, preservation, and enhancement of the land and water resources of the Pinelands. The proposed amendments are designed to meet those goals by allowing for the continued installation and monitoring of alternate design wastewater treatment systems for residential development through a highly successful pilot program.

There are no other Federal requirements that apply to the subject matter of these amendments.

Jobs Impact

Elimination of the impending deadline in the Pilot Program provides a continued opportunity for new home construction in areas that are zoned for such use, but are not served by public sewerage infrastructure. The proposed amendments may, therefore, result in the creation of jobs associated with new home construction. Conversely, non-adoption of the proposed amendments could have a negative impact on job creation by limiting the options of a small number of residential homebuilders in the unsewered portions of the Pinelands Area.

Agriculture Industry Impact

The proposed amendments are not expected to impact the agriculture industry in the Pinelands.

Regulatory Flexibility Analysis

The proposed amendments allow for installation of certain wastewater treatment technologies for residential development in the Pinelands Area beyond the August 5, 2018 deadline currently specified in the CMP. They also clarify certification requirements involving such technologies for purposes of ensuring consistency throughout the CMP. All of the other reporting, recordkeeping, and compliance requirements of the Pilot Program continue to apply to the manufacturers of alternate design wastewater treatment systems authorized for use in the Pinelands Area. It is believed that at least some of these manufacturers may be small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. In meeting the standards for use of the authorized technologies that would continue to be authorized under the Pilot Program, these businesses may continue to incur costs relative to ensuring compliance with the maintenance and monitoring requirements of recodified N.J.A.C. 7:50-10.22(a)6. It is unlikely, however, that engaging professional services will be necessary in order to do so. The design of systems for approval by county health departments and other agencies requires the services of a professional engineer under existing State law; that requirement is not changed by the proposed amendments.

Furthermore, the requirements at recodified N.J.A.C. 7:50-10.22(a)6 merely involve the provision of certain manuals, maintenance guarantees, and other documents that the manufacturers already have on hand, as well as the provision of resources for the collection and analysis of effluent sampling. This is not to say that the requirements represent insignificant costs for the manufacturers, particularly for the five-year non-cancellable maintenance contract required by N.J.A.C. 7:50-10.22(a)6vii. However, these requirements are a critical part of the proposed pilot program and the Commission would not be able to extend or expand the program without them. In any case, it is likely that the associated costs will be passed on to the homeowner by the manufacturers. These costs represent a relatively small price to pay for the opportunity to develop lots that would otherwise not be developable.

No differing requirements have been established for small businesses under the Pilot Program. Instead, the same maintenance and monitoring requirements will continue to be imposed relative to the authorized technologies, regardless of business size. This is necessary to balance protection of Pinelands resources with the Commission's desire to provide a continued opportunity for residential development on lots that are less than 3.2 acres in size in unsewered areas of the Pinelands. In fact, the Commission has identified proper system maintenance as the primary factor in ensuring that the alternate technologies will function in a manner that is consistent with CMP water quality standards. It is, therefore, critical that the requirements continue to be imposed on all of the manufacturers or their agents.

The proposed amendments impose no other reporting, recordkeeping, or compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Housing Affordability Impact Analysis

The proposed amendments have the potential to reduce the cost of alternate design treatment systems for those landowners seeking to develop homes on lots between one and 3.2 acres in size in the unsewered portions of the Pinelands Area. With the removal of the installation deadline for such systems, current and future technologies participating in the Pilot Program may continue to be used. A range of options for landowners is thereby preserved, perhaps leading to increased competition among the vendors of existing and new pilot program technologies, resulting in decreased costs of the systems for homeowners.

While the proposed amendments may result in a decrease in the costs of alternate design treatment systems, and, therefore, a decrease in the average cost of housing utilizing such systems, it is important to note that these systems are being installed in the unsewered portions of the Pinelands Area and primarily in the Regional Growth Areas, Pinelands Villages, and Pinelands Towns. Permitted densities in the unsewered portions of these management areas are relatively low, ranging from one unit per acre to one unit per 3.2 acres. Housing units in those portions of the Pinelands Area within which most affordable housing is targeted or anticipated would not be affected as such units are typically expected to be served by public sanitary sewer.

Smart Growth Development Impact Analysis

The proposed amendments allow for the continued installation and monitoring of alternate design treatment systems for residential development in the Pinelands Area through the Commission's Pilot Program. These systems are used by landowners in the unsewered portions of the Pinelands Area that are zoned for residential development on lots of less than 3.2 acres in size. These areas are primarily located in Regional Growth Areas, Pinelands Villages, and Pinelands Towns, management areas designated for development by the CMP, equivalent to designated centers under the State Development and Redevelopment Plan. The proposed amendments do not increase the amount of permitted residential development in these management areas; rather, they provide a continued opportunity for the development of housing in accordance with municipal zoning plans that were previously approved by the Commission. Thus, the proposed amendments are not expected to result in any changes in housing production within designated centers or in any other portions of the Pinelands Area. There will be no effect on new construction in Planning Areas 1 and 2, or within designated centers, as

designated by the State Development and Redevelopment Plan as these State Planning Areas do not exist in the Pinelands Area.

Racial and Ethnic Community Criminal and Public Safety Impact

The Commission has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 6. MANAGEMENT PROGRAMS AND MINIMUM STANDARDS

PART VIII—WATER QUALITY

7:50-6.84 Minimum standards for point and non-point source discharges

(a) The following point and non-point sources may be permitted in the Pinelands:

1.-4. (No change.)

5. Individual on-site septic waste water treatment systems that are intended to reduce the level of nitrate/nitrogen in the waste water, provided that the following standards are met:

i.-iii. (No change.)

iv. The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located, will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, (Appendix A) subject to the provisions of (a)5v below and based on the following assumptions and requirements. For purposes of this section, the entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been used restricted pursuant to N.J.A.C. 7:50-5.30 or 5.47:

(1) (No change.)

(2) For Amphidrome, Bioclere, and FAST systems:

(A)-(E) (No change.)

(F) The manufacturer or its agent shall provide to each owner an operation and maintenance manual and shall provide a five-year warranty consistent with the requirements of N.J.A.C. 7:50-10.22[(a)6viii](a)5viii;

(G)-(J) (No change.)

(3) Other on-site septic waste water treatment systems shall only be credited with reducing total nitrogen concentration to the extent authorized by an experimental monitoring program approved by the Pinelands Commission. Such an experimental monitoring program shall only be approved if:

(A)-(E) (No change.)

(F) The system meets all the requirements in N.J.A.C. 7:50-10.22[(a)6i](a)5i through x; and

(G) (No change.)

v.-ix. (No change.)

6. (No change.)

SUBCHAPTER 10. PILOT PROGRAMS

PART IV—ALTERNATE DESIGN TREATMENT SYSTEMS PILOT PROGRAM

7:50-10.22 General standards

(a) Alternate design pilot program treatment systems shall be authorized for residential use in all municipalities provided that the following standards are met:

1.-3. (No change.)

[4. The USEPA ETV or NSF/ANSI Standard 245 technologies approved by the Commission for participation in the pilot program pursuant to N.J.A.C. 7:50-10.23(b) are authorized to be installed until August 5, 2018.]

[5.] 4. The Executive Director shall submit an annual report to the Commission describing installation, maintenance, and performance data for each technology. The Executive Director also shall submit an interim report to the Commission if it is determined there is a significant installation, maintenance, or performance issue with one or more technologies that needs to be addressed before the issuance of the next annual report. Copies of each annual and interim report shall be provided to each manufacturer and agent of a technology that is discussed in that report. If it is determined in a report either that a manufacturer or its agent is not adhering to any of the requirements of this pilot program or that any one of the technologies, based on maintenance or installation issues or on an evaluation of all the monitoring results for that technology under this pilot program, is not meeting the minimum water quality standards in N.J.A.C. 7:50-6.83 or the two parts per million total nitrogen requirement in [(a)6x] (a)5x below on all lots smaller than 3.2 acres or on lots smaller than a particular size because the effluent exiting the system is higher than was anticipated in establishing the lot sizes in (a)3 above:

i.-ii. (No change.)

[6.] 5. Conditions for use of alternate design pilot program treatment systems are as follows:

i.-iv. (No change.)

v. The manufacturer or its agent and a New Jersey licensed professional engineer shall certify to the Commission and the local board of health that installation of each system has been properly completed and that the system and all of its components are operating properly. The manufacturer or its agent shall include in the certification the cost of the installation and a description of any problem encountered during the installation;

vi.-xiii. (No change.)

(b)-(c) (No change.)

7:50-10.23 Pinelands Commission approval and evaluation

(a)-(g) (No change.)

[(h) Nothing in this section shall be construed to authorize the installation of any USEPA ETV and NSF/ANSI Standard 245 treatment technology approved by the Commission for participation in the pilot program after August 5, 2018 as set forth in N.J.A.C. 7:50-10.22(a)4, unless a rule has been adopted by the Commission that expressly authorizes such installation pursuant to (f) or (g) above.]

HEALTH

(a)

PUBLIC HEALTH SERVICES BRANCH

DIVISION OF FAMILY HEALTH SERVICES

CHILD AND ADOLESCENT HEALTH PROGRAM

Screening of Children for Elevated Blood Lead Levels

Proposed Readoption with Amendments: N.J.A.C. 8:51A

Authorized By: Shereef Elnahal, M.D., M.B.A., Commissioner, Department of Health, in consultation with the Public Health Council.

Authority: N.J.S.A. 26:2-137.2 et seq., particularly 26:2-137.7.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2018-062.

Submit electronic comments to <http://www.nj.gov/health/legal/ecomments.shtml>, or written comments to the address below, by September 14, 2018, to:

Joy L. Lindo, Director
Office of Legal and Regulatory Compliance
Office of the Commissioner