July 15, 2014
Somerset County Planning Board Comments Concerning:

NJ Register, June 16, 2014 Public Notice Regarding a
Proposed Amendment to the Lower Raritan/Middlesex, Mercer County, Monmouth County, Northeast, Upper Delaware and Upper Raritan Water Quality Management Plans:
Total Maximum Daily Load Report for the Non-Tidal Raritan River Basin
Addressing Total Phosphorus, Dissolved Oxygen, pH and Total Suspended Solids Impairments

Public Hearing: July 16, 2014, 3:00 PM, Somerset County Administration Building
Public Comment Period Deadline: August 15, 2014

- TMDL Report, Chapter 7.1: The Effluent Concentrations and Loads Associated with TMDL Condition values for the NJPDES Facilities listed in Table 12 represent Long Term Averages (LTA). These are the concentrations used in the water quality model for each of the wastewater treatment plants. Those LTA numbers need to be converted to permit limits (typically a monthly average limit for a nutrient). The conversion to a permit limit is impacted by the number of samples collected each month by a treatment plant, but a monthly average limit is often nearly twice the LTA. This section states that, "because variability was not assumed in the model and the actual degree of variability upon implementation cannot be known, in order to ensure that the effluent quality that will attain SWQS is actually achieved, a longer term component equal to the WLA will be needed in the NJPDES permits implementing this TMDL". NJDEP needs to explain how they will be converting the numbers in the table to permit limits.

- TMDL Report, Chapter 7.1: Information about the technologies and strategies that can be employed by wastewater treatment facilities for addressing TMDL Phosphorous limits should be provided in this section. The ability to combine additives to settle-out and remove phosphorus should be an option.

- TMDL Report, Chapter 7.1: The wastewater treatment facilities that are required to modify their effluent limits to be consistent with the standards set forth in the adopted TMDL Report should be given funding priority through the NJ Infrastructure Trust Fund Program.

- TMDL Report, Chapter 7.1: This section specifies, "the objective of the goal component in the NJPDES permits implementing the TMDL will be to achieve the WLA on an annual basis", since it cannot be know in advance if the critical conditions will occur in any given year. Where concentrations were specified to allow for seasonal flow conditions, the permit will need to include seasonal (summer/winter) goals to determine compliance with the model input values". It is agreed that variability associated with seasonal and storm-related changes in weather and rainfall conditions must be taken into consideration during the NJPDES permitting process, in order to ensure that the effluent quality from the effected wastewater treatment facilities will achieve SWQS. Enhancing the resiliency of our wastewater infrastructure has emerged as a public and environmental health and safety priority and should also be a consideration when identifying solutions for addressing this TMDL.

- TMDL Report, Chapter 7:1: Clarification should be added to the Implementation Section regarding the process and timeline wastewater treatment plant permit holders should expect to follow for addressing the new NJPDES permit requirements. It is recommended that the TMDLs be addressed at the time of permit renewal and that adequate advance notification be provided to affected NJPDES permit holders.

- TMDL Report, Chapter 7:1: The NJ WQMP Rules (N.J.A.C. 7:15-5.25 (g) 7.) specifies that "a WMP, WMP update or WQM plan amendment shall include additional measures as specified in an adopted TMDL or watershed restoration plan". Furthermore, N.J.A.C. 7:15-6.4 (b) 5. iv specifies the inclusion of a implementation plan as a component of TMDL Reports, but does not define the relationship between TMDLs and WMPs, or the WMP's role in identifying treatment plant strategies for meeting TMDL requirements. Clarification and guidance is needed as to how the Raritan TMDL requirements relative to the affected wastewater treatment facilities located in Somerset County should be addressed in the Countywide Wastewater Management Plan, which is currently underway by the Somerset County Planning Board.

- TMDL Report, Chapter 7.3: The establishment of a TMDL sets limits for loadings of the intended target element in regard to the Raritan TMDL's, and for the most part, the concern is for phosphorus. The loadings that are not quantified by a specific source are non-point contributions. Recognizing the implementation of the NJ fertilizer law and its direct effect on these phosphorus loadings, there needs to be continued monitoring of these stream segments to access the effects and determine corrections due to the implementation of this law. The next 303 d listing is expected to measure these improvements and it is appropriate that these results be considered in the modeling and analyses associated with establishing future permit limits.

- TMDL Report, Chapter 7.3: The establishment of the Raritan TMDL will set limits for specific pollutants of concern (phosphorus including associated oxygen and pH effects, ammonia and total suspended solids) associated with nonpoint sources. However, there is currently no specific procedures described in the TMDL as to how these corrective efforts will be accomplished other than a general discussion regarding the predominantly voluntary use of Green Infrastructure, the AmeriCorps NJ Watershed Ambassadors Program, various agricultural programs, existing regional and local partnership initiatives and current implementation projects. Other than the adoption of local stormwater management plans and ordinances, SADC's Farmland Preservation "Conservation Plan" requirements, and implementation of NJ Fertilizer Law, these initiatives are voluntary, and their effectiveness has been limited. Consideration should be given to integrating water quality BMPs and other strategies as requirements in the update of the State's Stormwater Management Rules in order to successfully accomplish the TMDL goals in the Raritan Basin.