

Adopted April 24, 2020

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

**Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
February 28, 2020 - 9:30 a.m.**

MINUTES

MEMBERS IN ATTENDANCE: Chairman Richard Prickett, Sean Earlen, Jerome H. Irick, Ed Lloyd, and Mark Lohbauer

MEMBERS ABSENT: Candace Ashmun and Jordan Howell

STAFF PRESENT: Nancy Wittenberg, Stacey P. Roth, Susan R. Grogan, Ed Wengrowski, Paul Leakan, and Betsy Piner. Also present was Craig Ambrose, with the Governor's Authorities Unit.

1. Call to Order

Chairman Prickett called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:30 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the January 24, 2020 CMP Policy & Implementation Committee Meeting

Commissioner Lohbauer moved the adoption of the January 24, 2020 meeting minutes. Commissioner Earlen seconded the motion. The minutes were adopted, with all Committee members voting in the affirmative.

4. Presentation by the State Agriculture Development Committee: Soil Protection Standards on preserved farms

Ms. Grogan introduced Mr. Jeffrey Everett, Deputy Executive Director, New Jersey State Agriculture Development Committee (SADC).

Mr. Everett said he had been involved with farmland preservation and previously, historic preservation for some 26 years. He said currently SADC is dealing with some of its hottest issues and that his presentation today was one in a series of "road shows", similar to that provided by

Executive Director Susan Payne last year on special occasion events on preserved farms. He said SADC is a multifaceted board consisting of farmers and environmentalists. He said today's presentation is one he has made before agricultural boards, land trusts, farmers, landowners and others as SADC seeks input on their draft proposal regarding soil disturbance.

Mr. Everett's presentation (*Attachment A to these minutes and posted on the Commission's website at:*

[https://www.nj.gov/pinelands/home/presentations/Soil%20Protection%20Standards%20-SADC%20\[Read-Only\].pdf](https://www.nj.gov/pinelands/home/presentations/Soil%20Protection%20Standards%20-SADC%20[Read-Only].pdf)

Mr. Everett noted that soil protection is an issue that SADC has studied for 15 years as it attempts to balance the need for a farmer to have an agriculturally viable parcel while not violating a publicly funded preservation program. He said 99% of landowners are good stewards of the land and support the motto, "private land, public legacy", that appears on the PRESERVED FARMLAND signs erected on their properties. But he said for some, as an example the extreme case of the Quaker Valley Farms operation that removed 15 acres of soil down to bedrock in preparation for the erection of hoopouses, the soil disturbance is irreversible. This is a matter that has been in litigation since 2008. The question is how a farm can be sustainable as farmers care for the present without sacrificing the future. He said this case is precedential nationwide. He said that since the SADC's establishment in 1983, it has been involved with two court cases with the same landowners and each case dealt with the balance of public interest and the needs of the farm. His presentation provided an analysis of the research that SADC has done in conjunction with other entities to determine what level of soil disturbance is appropriate to meet this balance.

Upon concluding his presentation, Mr. Everett said SADC hoped to have a formal proposal published in the New Jersey Register by the end of June, 2020. Meanwhile he encouraged as much input and questions from the Commission and others as it would be helpful in formulating their approach.

Ms. Roth said she would coordinate comment from the Committee as she had done with SADC's draft policies related to special occasion events.

5. Review of draft CMP amendments related to the Alternate Design Treatment Systems Pilot Program

Ms. Grogan reminded the Committee that last month it had received a presentation on the pilot program implementation report, and this month staff is returning with draft amendments. She said the rule language had been distributed prior to the meeting but she was providing slides to highlight the rules. The slides are attached to these minutes and also posted on the Commission's website at:

[https://www.nj.gov/pinelands/home/presentations/Draft%20Septic%20Rules%20February%2020%20\[Read-Only\].pdf](https://www.nj.gov/pinelands/home/presentations/Draft%20Septic%20Rules%20February%2020%20[Read-Only].pdf)

Ms. Grogan noted that the blue text represents those items requiring CMP amendments while those in white are administrative items that can be implemented by the staff.

In response to questions from the Committee, Ms. Grogan said that this is the first of several amendments that will be presented to the Committee before the entire draft proposal is compiled, reviewed by the Committee and advanced to the Commission as a formal rule proposal.

6. Public Comment

No public comment was offered.

7. Closed Session

At 10:55 a.m., Ms. Roth read a resolution for the Committee to meet in closed session to discuss a land acquisition matter.

Commissioner Lloyd moved that the Committee meet in closed session. Commissioner Earlen seconded the motion.

In response to Commissioner Earlen's question if the Committee would be taking action today, Ms. Roth said it would not.

All members voted to meet in closed session and members of the public left the room.

At 11:01 a.m., the Committee met in closed session.

At 11:30 a.m., the meeting resumed in open session. Ms. Roth announced that the Committee had met to discuss potential land acquisition and that the matter would be open for discussion once that acquisition had occurred.

Commissioner Irick noted that the United States Department of Agriculture had released a list of innovative objectives related to climate impacts, including issues such as agricultural productivity, forest management, food loss and waste, etc. He said the matter was shared at a recent meeting of the Rutgers Board of Managers but was still confidential and not for distribution.

Ms. Wittenberg said that Ms. Noble was having a difficult time scheduling a meeting of the Land Use, Climate Impacts and Sustainability Committee (LUCIS).

Commissioner Irick suggested LUCIS meet following the next CMP P&I Committee meeting. The Committee concurred, provided consideration be given to the time involved for two meetings and possibly starting at 9:00 a.m. and concluding by noon.

Ms. Wittenberg said potential agenda items for the LUCIS meeting include:

- A summary of recent New Jersey Department of Environmental Protection (NJDEP) meetings attended by staff;
- A discussion of the potential for on-site solar and electric vehicle charging stations;
- An update on NJDEP fire management; and
- A forest stewardship presentation by Mr. Charles Horner and Ms. Jean Montgomerie.

There being no further business, Commissioner Lohbauer moved to adjourn the meeting at 11:40 a.m. Commissioner Irick seconded the motion and all voted unanimously to adjourn.

Certified as true and correct:



Betsy Piner

Principal Planning Assistant

Date: March 10, 2020

Pilot Program Recommendations

- Continue the Pilot Program through 2025
- Permanently approve SeptiTech
- Remove BioBarrier, Busse GT and Hoot ANR
- Introduce up to 6 new technologies
- Eliminate annual reporting requirement
- Simplify and improve processing of applications

Eliminate Annual Reporting Requirement

7:50-10.22

(a)4 The Executive Director shall periodically ~~[submit an annual]~~ report to the Commission on ~~the~~ ~~[describing]~~ installation, maintenance, and performance data for each technology. The Executive Director shall also ~~also 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.~~

Extend the Pilot Program

7:50-10.23

(c) The Executive Director shall review this pilot program relative to any approved USEPA and NSF/ANSI Standard 245 treatment technologies no later than August 5, 2025 ~~[August 5, 2017]~~, and shall report to the Commission within three months of that date on its implementation.

Extend the Pilot Program

7:50-10.23

(d) If the Executive Director finds that the number of monitoring events for any approved USEPA and NSF/ANSI Standard 245 treatment technologies is not adequate to evaluate any of those technologies under this pilot program in accordance with (c) above, the Executive Director shall so inform the Commission and, upon receiving the Commission's approval, initiate a second review to be completed no later than August 5, 2027 ~~[August 5, 2019]~~.

Graduate SeptiTech

7:50-6.84

(A) For residential development using the Amphidrome, ~~[or]~~ Bioclere, or SeptiTech system, the system will be located on a parcel of at least one acre for each individual single-family dwelling unit or the system or systems for multi-family developments will be located on a parcel with an overall density equal to or greater than one residential unit per acre of land;

Advanced Treatment Systems: Nonresidential Development

7:50-5.22-5.26 – PAD, FA, APA, RDA

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized waste water treatment or collection facility pursuant to (b)4 above provided, however, that no such structure shall be located on a parcel of less than one acre. The requirements of this section shall not apply to a nonresidential use to be served by an individual on-site septic waste water treatment system in accordance with N.J.A.C. 7:50-6.84(a)5iii(2).

Advanced Treatment Systems: Nonresidential Development

7:50-5.27 and 5.28 – PV, PT, RGA

(b) No residential dwelling unit or nonresidential use shall be located on a parcel of less than one acre unless served by either:

1. A centralized waste water treatment plant;
2. For residential development, a community on-site waste water treatment system serving two or more dwelling units that meets the standards of N.J.A.C. 7:50-6.84(a)5 or 10.21 through 10.23, provided that the overall residential density on the parcel does not exceed one dwelling unit per acre; or
3. For nonresidential development, an individual on-site septic waste water treatment system that meets the standards of N.J.A.C. 7:50-6.84(a)5.

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3. For nonresidential development, an individual on-site septic waste water treatment system that meets the standards of N.J.A.C. 7:50-6.84(a)5.