

July 12, 2010

Mr. Bob Martin
Commissioner
New Jersey State Department of Environmental Protection
401 East State Street
7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402

RE: Green Acres Major Diversion; Plumsted Township, Ocean County

Dear Commissioner Martin:

We, residents of Plumsted Township, are very concerned and alarmed about a proposed Green Acres Major Diversion of over 30 Acres of Preserved Land by the Plumsted Township Municipal Utilities Authority (PMUA). The PMUA is proposing to remove the Green Acres land from the Township's Recreation and Open Space Inventory (ROSI) to construct an 840,000-1,000,000 gallon a day drip sewage irrigation system to service the New Egypt Downtown area as well as a 336 unit development proposed by a private entity (the Kokes Corporation).

This land is currently heavily wooded, is adjacent to wooded wetlands, abundant unique wildlife and vegetation and is the center of the planned 350 acre Lakewood Preservation Area. Removing this land from Green Acres will destroy the entire Lakewood Preservation Area once the woods are destroyed for the sewage discharge. This property was vigorously pursued for purchase by Plumsted Township just a few years ago. This acreage was finally purchased using Green Acres funding and Plumsted Township Open Space taxes as part of the Township's Conservation Element to the Master Plan. The Conservation Plan, one of the first enacted by the State of New Jersey, was developed in conjunction with the Delaware Valley Regional Planning Commission (DVRPC). The Conservation Plan identifies this area as a High Conservation Priority. The major factors in the selection of this area for Green Acres Permanent Preservation were:

- **Mature Upland Forested Area** - This Green Acres area contains mature hardwood forests which have been untouched for decades. These forests serve to reduce flooding, protect adjacent wetlands, help moderate temperatures in the environs and helps absorb contaminants. Additionally, these forests serve as valuable woodland habitat for many Pinelands species of both plants and animals.
- **Proximity to Wetlands and Vernal Ponds** - This preserved area was selected to serve as a protective barrier to the contiguous wetlands and vernal ponds in the adjacent

properties. The Green Acres lands are within 50-100 feet from wetlands areas surrounding Warwick Drive and Millstream Road. These wetlands will be severely impacted by a discharge of almost one million gallons of wastewater per day. Additionally, these wetlands are on the NJDEP's GeoWeb and iMap as State Threatened area, Potential Vernal Habitat area as well as Wooded Wetlands. These adjacent wetlands must be inventoried for Endangered, Threatened and Rare Species prior to even considering any other use but preservation in the preserved areas.

- **Headwaters of two Major Watersheds** - This Green Acres preserved Open Space is located at the headwaters of the Toms River and the Crosswicks Creek watersheds. This land was selected for preservation to keep these areas pristine and to protect water quality.

The proximity of the wetlands to the proposed discharge will also flood the adjacent lands, destroying the sensitive wetlands habitat and causing flooding in the nearby residences. This year most residents in the area had flooded basements due to the high groundwater table. Adding this massive groundwater discharge will cause huge property damage to the already impacted and flooded residences. We are also justly concerned about the soil makeup (marl) that encompasses this entire area, which will increase the flooding issues already experienced by residents. Additionally, the proximity of the planned discharge to the bordering abandoned Plumsted Township Municipal Landfill (G000026072) has never been investigated. The huge volume of water into the water table could move into the landfill leaching contaminants into nearby properties or into the potable water wells. All of the homes in Plumsted outside the town center are served by private potable wells. These important issues must be addressed.

Plumsted Township has over 29 farms in Farmland Preservation, comprising several thousand acres, more than any other municipality in Ocean County. This includes a world class winery, equestrian centers as well as u-pick farms. Many of the local farmers are very concerned because they use the same water table to grow their crops. A failure in the treatment process of the wastewater would be catastrophic for the Township's agricultural base and drinking water. This same type of sewage infiltration system has already failed in several counties within our state, including Hammonton and Six Flags as well as other areas.

Approximately 100 Plumsted residents attended the first PMUA public hearing, on June 29. Most residents agreed that the Township is rushing into this endeavor as a short term fix for businesses and residents in the New Egypt downtown area. Most Township residents also agree that it would be best if a sewer system serviced the downtown area. However, we are very skeptical of the need to construct a 336 unit development to fund the sewer system. We urge the DEP to reject this Major Diversion to the Green Acres property. We feel that the PMUA has not explored all of the disposal alternatives and needs, as a minimum, to do the following before a Major Diversion is even considered by the Department:

1. In consultation with Ocean County and the NJDEP, determine the service area limits, needed plant capacity and requirements of a centralized sewer system or package plant for the Town Center. Conduct an assessment of septic failures and problems throughout the downtown area in conjunction with the Ocean County Department of Health. This can then be used to appropriately size a sewage plant.
2. Work with the NJDEP and Ocean County to develop a strategy for wastewater disposal that examines all alternatives, including working with the Ocean County Sewerage Authority, discharging into the Crosswick's Creek, combining with the existing Fort Dix plant, combining with Great Adventure's sewage system and as Governor Christie has recommended, to work with adjacent municipalities who also need sewage systems to develop a shared services agreement.
3. Perform a comprehensive analysis of the Township lands that could be used, if necessary, for on-site wastewater disposal. This analysis should be environmentally based not cost based. For example, it may be possible to have several smaller on site systems spread throughout the Township rather than one massive system which could wreak devastation on the environment. The planned 336 unit development does not use any of their open space to accommodate their own sewage disposal; instead they plan to discharge their wastewater in to other Township properties. This is patently unfair to the existing Township residents. Additionally, the present site selection process by the PMUA evaluated only two other parcels in the entire Township. The Green Acres parcel in question seems to have been selected because it was already in public domain and thus would cost nothing to purchase.
4. Perform an Environmental Impact Statement (EIS) and a Threatened, Endangered and Rare Inventory on all adjacent wetland and farmland areas. The EIS should investigate the impact of the proposed wastewater discharge on adjacent areas, including the wetlands, the nearby residences, the ground water table, possibility of mounding due to clay lenses and the marl, the Uplands and the Township Municipal Landfill. The EIS should also include an inventory of all plant species and tree sizes to comply with the Plumsted Township Woodland Protection Ordinance.

The PMUA has not identified any properties for compensation for the proposed condemnation of these lands. Based on the strong private component (336 private units by the Kokes Corp.), this compensation would be a minimum 4:1 ratio, likely more. To even be considered, this compensation must be identified by the PMUA and purchased. It should be noted that at the scoping meeting held on June 29th, 2010, that the Plumsted Mayor Ron Dancer, a state assemblyman, and a state leader in farmland and open space preservation, also voiced his personal opposition to the diversion of these preserved lands for the purpose of the treated sewage discharge.

A Major Diversion of Green Acres state owned public lands is a difficult process. First requiring a number of public notices and meetings, providing for a satisfactory compensation for the properties and trees to be destroyed, approval from Green Acres, then the NJDEP Commissioner and up to the State House Commission in accordance with

N.J.A.C. 7:3626.6. The difficulty of granting a Major Diversion is apparent, the taking of state purchased Preservation Areas from the Public Domain should be a "last resort" type of process. This type of diversion could be approved next to widening an existing highway (such as the Turnpike) where there is no other option. In this case there are many other options which are not being considered or explored by the PMUA.

We feel that the PMUA did not properly evaluate all the alternatives, that this type of project would cause adverse environmental impacts and lastly that the PMUA cannot possibly come up with the required compensation for the disposal of this parkland. This includes a minimum 4:1 replacement for the land as well as additional compensation for the replacement or replanting significant trees over 18 inches in diameter. We, therefore, request that Green Acres and the NJDEP deny the Major Diversion of these preservation lands and request the PMUA to go back and evaluate less environmentally damaging alternatives to sewage disposal than destroying preserved state lands. We thank you in advance for looking into this matter.


Sincerely,

Plumsted Township Residents

cc: Judeth Piccinini Yearnly, Esq., Bureau Chief, NJDEP, Legal Services and Stewardship
Kevin Koslosky, Ocean County Representative, NJDEP, Legal Services and Stewardship
Richard Work, Chairman, Ocean County Department of Planning
Douglas Hallock, Chairman, Ocean County Agricultural Development Board
Mayor Ronald S. Dancer, Plumsted Township National Preservation Program
Theresa Lettman, Director of Monitoring Programs, Pinelands Preservation Alliance
Jeff Tittel, Executive Director, Sierra Club NJ
Emile DeVito, New Jersey Conservation Foundation
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