

## Participating Organizations

Alliance for a Living Ocean  
 American Association of University Women  
 American Legion Post 143  
 American Littoral Society  
 Arthur Kill Coalition  
 Arts Guild, Saint Augustine Church  
 Ashbury Park Conservancy  
 Ashbury Park Fishing Club  
 Bayberry Garden Club  
 Bay Head Shores Fishing Club  
 Bayshore Saltwater Flyfiddlers  
 Bedford Seafish Co-op  
 Beneath The Sea  
 Bergen Save the Watershed Association  
 Cape May Environmental Commission  
 Center for Marine Conservation  
 Central Jersey Anglers  
 Citizens Conservation Council of Union County  
 Citizens United to Protect Hawk Island  
 Coalition Against Toxics  
 Coalition for Peace & Justice  
 Coast Alliance  
 Communication Workers Assoc., Local 1034  
 Concerned Businesses of COA  
 Concerned Citizens of Bensenville  
 Concerned Citizens of COA  
 Concerned Citizens of Monmouth  
 Dool's Sea Roamers  
 Eastern Monmouth Chamber of Commerce  
 Elizabeth Water Watch  
 Environmental Response Network  
 Explorers Dive Club  
 Fishermen's Defense Fund  
 Fishermen's Dock Cooperative  
 Friends of Island Beach State Park  
 Friends of Liberty State Park  
 Friends of the Boardwalk  
 Garden Club of Bayshore  
 Garden Club of Fair Haven  
 Garden Club of Little Silver  
 Garden Club of Long Beach Island  
 Garden Club of New Jersey  
 Garden Club of Oceanport  
 Garden Club of Plainfield  
 Garden Club of Princeton  
 Garden Club of Rumson  
 Garden Club of Short Hills  
 Garden Club of Shorebury  
 Garden Club of Spring Lake  
 Garden Club of Summit  
 Garrison Beach Care  
 Great Egg Harbor Watershed Association  
 Greater Point Pleasant Charter Boat Association  
 McMurtry Club  
 Highlands Business Partnership  
 Highlands Chamber of Commerce  
 Hudson River Fishermen's Association/NJ  
 Internet Club of Rotary International  
 International Union of Electronic Workers, Dist. 3  
 Ironbound Community Against Toxic Waste  
 Ironbound Community Corp.  
 Jersey Coast Shark Anglers  
 Jersey Shore Audubon Society  
 Jersey Shore Captain's Association  
 Jersey Shore Running Club  
 Junior League of Monmouth County  
 Junior League of Summit  
 Junior Women's Club of Milton  
 Kiwanis Club of Monmouth  
 Kiwanis Club of Shadow Lake Village  
 Leonardo Perry & Friends Boat Association  
 Leonardo Test Payers Association  
 Little Egg Harbor Twp Education Assoc.  
 Marine Trades Association of NJ  
 Monmouth Conservation Foundation  
 Monmouth Council of Girl Scouts  
 Monmouth County Association of Realtors  
 Monmouth County Audubon  
 Monmouth County Friends of Clearwater  
 National Coalition for Marine Conservation  
 Natural Resources Protective Association  
 Neversink River Municipalities Committee  
 Newcomers Club of Monmouth County  
 NJ Beach Buggy Association  
 NJ Commercial Fishermen's Association  
 NJ Council of Fishing Clubs  
 NJ Environmental Federation  
 NJ Environmental Lobby  
 NJ Marine Educators Association  
 NJ PIRG Citizens Group  
 NJ Sierra Club  
 NJ Windsurfing Association  
 Nottingham Hunting & Fishing Club  
 NYC Sea Grizzlies  
 NY/NJ Harbor Baykeeper  
 NY Marine Educators Association  
 Ocean Advocates  
 Ocean Country Citizens for Clean Water  
 Ocean Divers  
 Ocean Wreck Divers  
 Outreach/First Presbyterian Church  
 Piccony Saltwater Sportsman Club  
 Raritan Bay Angler's Club  
 Raritan River Friends of Clearwater  
 Raritan Riverkeeper  
 Riverside Drive Association  
 Saint George's by the River Church  
 Saltwater Anglers of Bergen County  
 Sandy Hook Bay Cannermen Club  
 Save the Bay  
 SEAS Monmouth  
 Seaweeders Garden Club  
 Shark River Surf Anglers  
 Sheephead Bay Fishing Fleet Assoc.  
 Shore Surf Club  
 Sierra Club Shore Chapter  
 South Branch Watershed Association  
 South Monmouth Board of Realtors  
 South Monmouth Chamber of Commerce  
 Sossan Island Friends of Clearwater  
 Staten Island Tuna Club  
 Stop Ocean Dumping Coalition  
 Strathmore Fishing & Environmental Club  
 Surfers' Environmental Alliance  
 Surfider Foundation, Jersey Shore Chapter  
 TACK-1  
 Thousand Fathom Club  
 United Boaters of NY/NJ  
 United Bowhunters of NJ  
 Victorian Victorian's of Monmouth  
 Village Women's Club  
 Volunteer Friends of Boaters  
 Westpoint  
 Women's Club of Brick Township  
 Women's Club of Keyport  
 Women's Club of Little Silver  
 Women's Club of Long Branch  
 Women's Club of Merchantville  
 Women's Club of Middletown  
 Women's Club of Red Bank  
 Women's Club of Sea Girt  
 Youth Environmental Society



## Clean Ocean Action

www.CleanOceanAction.org

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## American Littoral Society • Clean Ocean Action • New York / New Jersey Baykeeper

May 2, 2003

Attention: Ursula Montis  
 NJ Department of Environmental Protection  
 Division of Watershed Management  
 P.O. Box 418  
 401 East State Street  
 Trenton, NJ 08625

**SUBJECT: Comments on New Jersey Clean Water and Water Supply Advisory Councils 2003 Public Hearing on Reclaimed Water for Beneficial Reuse**

Dear Ms. Montis:

Enclosed are comments prepared by Clean Ocean Action (COA) and submitted jointly with the American Littoral Society (ALS) and the NY/NJ Baykeeper (Baykeeper) in response to the New Jersey Clean Water and Water Supply Advisory Council 2003 Public Hearing on Reclaimed Water for Beneficial Reuse held on April 16, 2003.

COA is a coalition of 170 environmental, fishing, community, religious, and business groups concerned with the health of the ocean. ALS also works on ocean conservation issues, protecting coastal natural resources, and preserving the public's right of access to them for recreational and ecological uses. Baykeeper is a conservation and advocacy organization with a mission to protect, preserve, and restore the Hudson-Raritan Estuary.

In general, beneficial reuse of reclaimed wastewater could be an important component of Governor McGreevey's plan to improve water quality and water supply protection throughout the State. This plan includes the recently announced Category 1 stream upgrades and proposed New Jersey Department of Environmental Protection (NJDEP) revisions to New Jersey's stormwater regulations. This plan also includes a commitment to develop and implement short- and long-term strategies to "strengthen protection of New Jersey's water supply" as a way to avoid severe water use restrictions in times of drought.<sup>1</sup>

As a part of an approved regulatory framework containing substantive standards for human and natural resource protection, beneficial reuse of reclaimed wastewater can be a meaningful part of New Jersey's water conservation policy. However, the existing

<sup>1</sup> Executive Order 44(2003).

beneficial reuse of reclaimed wastewater program is unacceptable due to the absence of formal guidance, rules, and regulations as well as the lack of public involvement. Substantive standards must be proposed and formally adopted by NJDEP to solidify the value of beneficial reuse to the State's broader water resource protection and supply conservation objectives. In this way, the beneficial reuse of reclaimed wastewater can promote these resources, supply objectives, and eliminate any risk that beneficial use would undermine surface and groundwater quality standards and/or pollution limits established by other regulatory programs.

New Jersey discharges an extraordinary volume of water into the Atlantic Ocean that, if properly managed, could be reused. Based on COA's Report "Wasting Our Waters Away," nearly 170 million gallons of treated fresh water per day are discharged into the ocean, totaling nearly 65 billion gallons annually.<sup>2</sup> If all 65 billion gallons were poured into one-gallon milk jugs and lined up end to end, they would circle the Earth 412 times. This discharged water is a precious resource that would have naturally recharged bogs, wetlands, streams, rivers, and estuaries and is a considerable volume of water that has the potential for reuse. As part of the Wasting Our Waters Report published in 2001, COA surveyed nearly 200 citizens from central and northern New Jersey. The results of the survey found that 71% of citizens would not oppose reuse of wastewater if the water was properly treated.<sup>3</sup> We emphasize that citizens would only support reuse, **if the wastewater was properly treated.**

Beneficial reuse of reclaimed wastewater in the state of New Jersey is not a common practice, but pursuit of it is growing. With recurring droughts and ever-increasing populations, the option of water reuse is an important opportunity. Our groups support the concept of beneficial reuse of reclaimed wastewater, but proper reuse guidance, rules, and regulations must be developed and implemented to protect not only human health but also the environmental health of terrestrial, coastal, and ocean ecosystems. Several environmentally sound reuse programs have been developed in other states that treat and reuse wastewater. These programs should be reviewed and critiqued by an independent review panel to aid in the development of a substantive regulatory program for New Jersey.

With new technologies used in the context of a substantive regulatory program, the quality of New Jersey's wastewater can be restored to certain specified levels and, as a first step, reused for purposes such as, restricted access irrigation, irrigating certain agricultural crops, landscaping golf courses, cooling power plants, cleaning streets, and washing sewer lines. Other states have even gone so far as to employ beneficial reuse of reclaimed wastewater technologies for projects that treat and reuse water in ways that are not only consistent with health and environmental standards but support marine and aquatic habitat by creating wetlands and marshy areas that, prior to the reuse project, did not exist. With development rapidly encroaching upon the coastal zone at a substantial risk to marine habitat and tidal wetlands systems, New Jersey should take this opportunity to use available and innovative reuse technologies to achieve as many natural resource benefits as possible from reuse projects so that our state can become a model for both water conservation and coastal protection.

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<sup>2</sup> Wasting Our Waters Away: Technical Report, Wastewater Discharges into the Atlantic Ocean from New Jersey, 2001. Clean Ocean Action. [www.CleanOceanAction.org](http://www.CleanOceanAction.org)

<sup>3</sup> Wasting Our Waters Away, P. 17

New Jersey does not have a final policy or formal regulations for the beneficial reuse of reclaimed wastewater, although it has a legal responsibility to encourage and promote reuse.<sup>4</sup> Statements made at the Public Hearing by a NJDEP official indicate that it is NJDEP's position that beneficial reuse of reclaimed wastewater is not a discharge under the Water Pollution Control Act and thus is not required to be regulated at all. Despite the lack of a final policy or formal regulations and stated belief that use of reclaimed wastewater for beneficial reuse is not a discharge, DEP is granting permits for reuse. Further, NJDEP is making decisions under a draft version of technical guidance that has undergone few changes since its appearance in 1999. In fact, when the original version was made publicly available, it stated that NJDEP intended to initiate the development of beneficial reuse of reclaimed wastewater regulations to promote and implement a reuse program. However, the most recent version of the guidance has deleted any statements relating to the intention of developing such formal regulations.

As a result, NJDEP's plans for the beneficial reuse of reclaimed wastewater program are unclear, even contradictory, and mixed messages are being sent. On one hand, NJDEP promotes its draft technical guidance originally introduced in 1999 and issues reuse permits. On the other hand, NJDEP fails to develop and implement final guidance, rules, and regulations to ensure programmatic consistency, public involvement, and environmental protections as well as states that beneficial reuse does not involve a discharge and therefore does not need to be regulated at all. This confusion and lack of governance can result in negative impacts from reuse, which could lead to public rejection. Without substantive standards and a clearly defined regulatory process, the beneficial reuse of reclaimed wastewater program could even undermine the anti-degradation thresholds for the Governor's recently announced Category 1 designees and preclude that program's success. Clarification of the NJDEP's intentions must therefore be made to provide consistency throughout the beneficial reuse of reclaimed wastewater and water quality protection programs, as well as provide certainty for regulated projects.

To begin addressing this situation, we recommend the following:

1. A task force of environmental groups, citizens, planners, and experts must be convened to draft policy recommendations for reclaimed water for beneficial reuse.
2. DEP must ensure that the reuse program (a) consults with watershed management areas, (b) is subject to public review, (c) is reviewed by an independent scientific and regulatory panel that includes experts involved in successful, environmentally sound, beneficial reuse in other states, (d) includes demonstration projects that involve surrounding communities, and (e) and is consistent with the state's other water regulatory programs
3. Since current permit conditions relating to the enforcement of beneficial reuse and control of pollutants may not be environmentally protective, we urge DEP to initiate the development of regulations, including the public review of guidance for beneficial reuse of wastewater. Until such time as regulations are finalized and a formal permitting system is established, DEP should be restrictive and limited in authorizing wastewater reuse.

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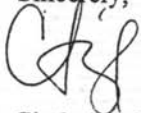
<sup>4</sup> N.J.A.C. 7:14A-2.1 (2002).

4. For permits that have already been issued, DEP must provide the annual reports and toxin scans to the public via the internet, and/or upon request, so that the public can review a facility's reuse of wastewater. In addition, once regulations are established, DEP must revisit those permits with reuse provisions to ensure consistent application of the regulations and to protect human health and the environment.

Finally, once a formal policy and associated regulations for a beneficial reuse of reclaimed wastewater program are established, issues relating to water supply must be considered, including the need for conservation, impacts of inter-basin transfer, and the fact that beneficial reuse of reclaimed wastewater should not provide a justification for uncontrolled growth.

In conclusion, we welcome the Councils' providing a forum to discuss the needs of the beneficial reuse of reclaimed wastewater program. The state has a considerable amount of work to do in order to ensure that the program is environmentally sound, publicly supported, and successful. We look forward to working with the Councils, NJDEP, and other groups on this issue. We request that a copy of the recommendations made to NJDEP on this issue be sent to: Kirstin McPolin, Clean Ocean Action, P.O. Box 505, Sandy Hook, Highlands, NJ 07732.

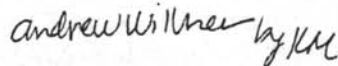
Sincerely,



Cindy Zipf  
Executive Director  
Clean Ocean Action



Leann Foster-Sitar  
Policy Director  
American Littoral Society



Andrew J. Willner  
Baykeeper & Executive Director  
NY/NJ Baykeeper



Kirstin McPolin  
Water Policy Analyst  
Clean Ocean Action

cc: Commissioner Bradley Campbell, NJDEP  
Jim Grob, NJDEP – Wastewater Reuse Program