

Improving Water Quality Planning & Management

A Public Hearing sponsored by the NJ Clean Water Council

Tuesday, October 10, 2006, 9:00 am – 12:00 noon

NJ Department of Environmental Protection – Public Hearing Room

401 East State Street, Trenton, New Jersey



PURPOSE OF THE HEARING

The Clean Water Council seeks to learn how the people of New Jersey would like to see the WQMP Rules improved. They have formulated eight questions that focus on controversial sections of those Rules. Based upon the testimony at this hearing, the Council will develop a set of recommendations for the DEP Commissioner. Therefore, the members seek comments from interested persons so that they can recommend improvements to the WQMP Rules and thus facilitate the process whereby revised rules will be proposed and then adopted.

AGENDA

Larry Baier, Director of the Division of Watershed Management, will open the hearing by discussing the current Rules and revisions that the DEP is contemplating. His presentation will be followed by a panel discussion among representatives of various interest groups on recommended changes to the Rules. Thereafter other individuals will have the opportunity to testify. All testimony will be recorded.

HOW TO TESTIFY

The Council will provide 5 to 10 minutes per oral presentation, depending on the number of people who register. The Council encourages the submittal of detailed written comments on disk or CD as well as paper, to augment your testimony. Written comments will be accepted until October 24, 2006, and can be sent to the NJ Clean Water Council, c/o DEP - Division of Watershed Management, P.O. Box 418, 401 East State Street, Trenton, New Jersey 08625-0418 or by fax at (609) 633-1458. If submitting on disk or CD, the preferred format is Microsoft Word 6.0 or above. Macintosh formats should not be used.

For more information, contact Ray Nichols at Ray.Nichols@dep.state.nj.us or (609) 292-2113. To reserve a time period for testifying in person, contact Ursula Montis at Ursula.Montis@dep.state.nj.us or (609) 292-2113.

BACKGROUND

Under New Jersey law, the NJ Clean Water Council is required to hold a public hearing once a year regarding water pollution related issues and report its recommendations to the Commissioner of the Department of Environmental Protection.

This year, the Council is focusing on the Water Quality Management Planning (WQMP) Rules, N.J.A.C. 7:15. These rules prescribe water quality management policies and procedures to restore and maintain the chemical, physical and biological integrity of the surface and ground water resources of the State. The DEP is engaged in a comprehensive effort to revise these Rules. In accordance with the Administrative Procedures Act, the expiration date of the WQMP Rules was recently extended to January 31, 2007.

The DEP (primarily through the Division of Watershed Management) administers the WQMP Rules as part of the "continuing planning process" required by Sections 208 and 303 of the Federal Clean Water Act and the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq. ("the Act"). This Act and the WQMP Rules at N.J.A.C. 7:15-1.3(a)8 establish that the Department shall coordinate and integrate areawide Water Quality Management Plans (WQMPs) with related Federal, State, regional and local comprehensive land use plans, functional plans, and other relevant planning activities, programs and policies.

These rules serve two basic functions. They establish the DEP's general regulatory framework for water quality/water resource planning, and they supplement other DEP rules pertaining to wastewater management. Links to websites containing the texts of the Act and the WQMP Rules can be found on the Council's website at www.nj.gov/dep/watershedmgt/CWC%20website/cwc%20website.htm

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The NJ Clean Water Council requests that those testifying focus on the following questions, which all relate to the Water Quality Management Plan Rules at N.J.A.C. 7:15.

① Wastewater Management Plan (WMP) Amendment Process

Of the approximately 190 Wastewater Management Planning Areas located within the 12 Water Quality Management Planning (WQMP) areas, less than 10% have adopted updated WMPs within the past six years. How can the DEP increase compliance with the requirement that WMPs be reviewed and updated as needed every six years? How can DEP ease the burden on Local and Wastewater Management Planning entities to comply with these requirements while making the process more efficient and streamlined?

② Scale and Scope of Wastewater Management Plans

Should WMPs be done at a countywide scale, or would smaller regional WMPs be a more manageable and useful tool? Who should be the WMP agency for these smaller regional WMPs? Should the Department encourage counties to be more involved in the water quality planning process by becoming designated planning agencies? Consider the pros and cons of local control versus holistic perspective of regional WMPs. How should development that utilizes on-site wastewater management systems be regulated in WMPs?

③ Consistency with the State Development and Redevelopment Plan

Should the areawide WQMPs and component WMPs be required to be consistent with the State Development and Redevelopment Plan as a mechanism to achieve consistency among State, regional and local planning? If so, how?

④ Adequacy of Nonpoint Source Pollution Control

The Water Quality Planning Act at N.J.S.A. 58:11A-5c requires that areawide WQMPs must include the establishment of a regulatory program to provide control or treatment of all point and nonpoint sources of pollution. Point source regulation is accomplished through the New Jersey Pollutant Discharge Elimination System (NJPDDES) permit. At present, nonpoint source pollution control is provided through required compliance with the Stormwater Management Rules (N.J.A.C. 7:8) and the imposition of riparian corridor protection. Are these nonpoint source pollution controls adequate? If not, what changes would you propose? Where the WMP agency is not a municipality, how should the Department implement the nonpoint source controls?

⑤ Controlling Saltwater Intrusion

The Water Quality Planning Act at N.J.S.A. 58:11A-5i requires areawide WQMPs to include a process to identify saltwater intrusion into rivers, lakes and estuaries resulting from a reduction in freshwater flow from any cause, and to set forth procedures and methods to control such intrusion. What standards should be included in the Water Quality Management Planning Rules to achieve this objective?

⑥ Coordination with the Statewide Water Supply Plan

Should measures to protect source water supplies be included in an areawide WQMP or WMP? If so, how? When and where should **water balance analysis** be required? How should "beneficial reuse" be defined? When and where should it be required?

⑦ Protecting Sensitive Environmental Features

How should the Department address protection of sensitive environmental features (Natural Heritage Priority Sites, Threatened and Endangered Species habitat, wetlands and floodplains, etc.) in the Water Quality Management Planning Rules?

⑧ E.O. 109

How should the new Rules incorporate these requirements? (see www.nj.gov/dep/watershedmgt/eo_109.htm)

