



NEW JERSEY CLEAN WATER COUNCIL MEETING NOTES

May 12, 2020 @ 10:30 A.M.

Virtual NJDEP Teams Meeting

Members Present:	
George Bakun – NJ Business & Industry Vincent Monaco – WSAC, Chris Sturm-NJ Future Sandra Howland Pamela Goodwin Ashley Kerr- NJ Farm Bureau	Anthony McCracken – Chair, General Public James Cosgrove – NJ Society of PE's Russ Furnari – 1st Vice Chair, NJ Chamber of Commerce Dan Van Abs – General Public Amy Goldsmith – General Public Mary Anna Holden
Others: Brienne Callahan – NJ Future Gary Brune – NJ Future	NJDEP Staff: Janice Brogle, Director, DWQ John Gray – DWQ, Director's Office Jennifer Feltis Cortese, Director's Office, DWQ Ginger Kopkash- Assistant Commissioner for Land Use Management Dave Rosenblatt- Chief Resiliency Officer and Assistant Commissioner for Coastal and Flood Resilience

Call to order: 10:35 am

APPROVAL OF MEETING HIGHLIGHTS

- Motion to approve March 10, 2020 meeting highlights by Jim Cosgrove, seconded by Dan Van Abs, and notes approved unanimously (with Tony abstaining due not attending the March meeting).

DEP UPDATES

- **DEP Updates** (Janice)

Shortly after last council meeting DEP staff started working remotely. DWQ issued guidance and alerts that can be found at: <https://www.nj.gov/dep/dwq/> Issued stays for Category A and ASC permittees (reduced monitoring frequencies). Stays were also issued for CSO Long Term Control Plans. Quarterly reports will require comments on how public will be engaged during this postponement and they are now due October 1, 2020.

- **Questions**

Approved 8.11.20

1. Are we getting repayments? (Tony) - No repayment issues thus far.
2. Exec Order extending permit deadlines? (Tony) - No issues to report and we are meeting TWA 90-day clock.

OLD BUSINESS

The Council is still in need a committee to summarize public hearing on stormwater utility. (Tony) There was no other business to discuss.

NEW BUSINESS

- **Supreme Court Issues Major Decision on Reach of Clean Water Act: Maui Decision Muddies the Waters of the NPDES Program**

Pamela Goodwin, CWC Member

<https://www.saul.com/publications/alerts/supreme-court-issues-major-decision-reach-clean-water-act-maui-decision-muddies-waters-npdes-program>

Pamela provided a recap of the SCOTUS decision regarding City of Maui. The wastewater treatment plant discharged to underground injection control (UCI) as groundwater to Pacific Ocean. The questioned answered was whether DGW is regulated activity under CWA. The 9th Circuit ruled that any DGW is a point source discharge and the pollutant is traceable. The SCOTUS ruling established that the functional equivalent test with 7 criteria should be applied by courts. NJ has its own laws and will be less impacted by the decision.

- **Climate Change at DEP Update and Discussion**

Dave Rosenblatt, Chief Resiliency Officer and Assistant Commissioner for Coastal and Flood Resilience

Discussed the timeline of activities, including Science Report and Strategy Document. The Interagency Council has met and has been sharing information as well as meeting with academic institutions to leverage their research. So far 60 plus individuals along with DEP have contributed to the science report. There will be a Coastal Resiliency Plan as part of the Statewide Climate Change Resilience Strategy. This will include an executive summary that will cover climate impacts, temperature changes, sea-level rise and identify future projects.

Questions from the Council:

1. Availability of report- will be made available for public comment.
2. If USACE projects move forward, will we reassess the impacts of SLR or how projects perform? - Projects take many years and there are post-construction monitoring. Beach replenishment projects will continue to be necessary. (Russ) Some projects using living shorelines, include post-construction monitoring to assess effectiveness.

Approved 8.11.20

3. How will other DEP rules incorporate findings from science report? - Examples: Phase II stormwater rules will be updating NOAA numbers; CSO permits have a 5 year permit cycle that will continue to be iterative, and the Water Bank will also update guidance.
4. Amy Goldsmith suggested that the group look at COA document on trails and transit.

Ginger Kopkash, Assistant Commissioner for Land Use Management

Discussed land use rules and rulemaking consistent with climate change principles that includes:

- Coastal Zone Management
- Flood Hazard
- Freshwater Wetlands
- Stormwater

The timeline includes stakeholder meetings in the winter and spring of 2020, proposal in fall 2020 and workgroup/outreach meetings are underway. A summary of rule work can be seen in the presentation shared with the Council.

Questions from the Council:

1. How will state plan map will reflect some climate change items? - Considering changes in the coastal rules. An example would be amending our consistency determination.
2. Will proposed development, even if designed appropriately, be adequately served by utilities? - The way rules are structured, the review is limited to the property of the applicant.

ANNOUNCEMENTS

- Next Scheduled Council Meeting – June 9, 2020

ADJOURNMENT

- Meeting Adjourned (12:08pm)