



## NEW JERSEY CLEAN WATER COUNCIL MEETING

June 15, 2021 @ 10:00 A.M.

### Microsoft Teams meeting

#### MEETING HIGHLIGHTS

#### INTRODUCTIONS

Council Members: Harry Wozunk, Sandra Howland, Ryan Reagan, David Kovach, Jim Cosgrove, Pamela Goodwin, Amy Goldsmith, Russ Furnari, Tony McCracken, Maria Connolly

Members of the Public: Peggy Gallos

DEP: Janice Brogle and Jennifer Feltis Cortese

#### APPROVAL OF MEETING HIGHLIGHTS

- February 9, 2021- motion from Jim Cosgrove, seconded by Amy Goldsmith; approved.
- April 13, 2021- motion from Jim Cosgrove, seconded by Amy Goldsmith; approved.

#### DEP UPDATES

- Jennifer provided program updates:
  - Technical reviews being performed by the DWQ of the 27 Combined Sewer Overflow Long Term Control Plans are almost complete. These reviews can be found at: <https://www.nj.gov/dep/dwq/cso-ltccp/submittals.htm>
  - PFAS- Request for Information:
    - The Division of Water Quality (DWQ) sent out Request for Information letters to Industrial NJPDES Industrial Discharge to Surface Water Permittees (Category B) and NJPDES Significant Indirect User Permittees (Category L). The letters contained a survey link as a first step to investigate discharges of PFAS that could potentially cause impacts to surface water and/or impact the management of biosolids. The surveys were due 30 days from the issuance of the letters on March 17, 2021, and an extension to complete the survey has been provided through June 16, 2021.
    - The DWQ sent a Request for Information letters to our Designated Local Authorities (DLAs) on April 22, 2021, and they have until August 20, 2021, to have surveys completed by their dischargers. Each week, the DEP provides the DLAs with an update on who has completed the survey.
    - As a reminder, information about the surveys can be found on our website at: <https://nj.gov/dep/dwq/pfas.htm>
      - The page contains the Request for Information letters, a PDF copy of the survey, and FAQs that answer some commonly asked questions from the permittees.
- A question was raised by the Council about a petition for surface water cleanup standards.

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- The DEP has not made any determinations at this point and indicated that it is still assessing the petition.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

- The Council had a discussion with the Deputy Commissioner for Environmental Justice and Equity, Olivia Glenn (See below for a short summary of this discussion.)
- The Council had a discussion of 2021 Public Hearing Topics.
  - Council members posed the question about hosting a meeting on EJ issues- possibly to be held in early 2022 if the EJ rule is proposed.
    - A Council member suggested the hearing could be connected to Executive Order 23 dealing with EJ, particularly something from Clean Water perspective. The question “what are the clean water impacts in EJ communities at a broader scale” was also raised.
  - A Council member suggested that a hearing topic could be changes to the Water Quality Management Planning rules.
    - A possible goal of this hearing could be to educate the public on the rules, or it could be used to solicit feedback/direction from the CWC.
  - Another suggestion from the Council was to explore the topics of flooding and stormwater.
  - The Council agreed that they were going to decide on a possible topic for the public hearing at the next meeting, scheduled for July.
  - The Council also agreed to decide at the next meeting on when to hold the public hearing; early December was suggested.

## **ANNOUNCEMENTS**

- The July meeting is scheduled for July 13, 2021.

## **ADJOURNMENT**

It was mentioned by Tony that the August meeting is normally cancelled due to summer schedules.

Motion from Russ Furnari, seconded Amy Goldsmith; adjourned.

## **Discussion with Deputy Commissioner Olivia Glenn:**

NJDEP’s EJ website: <https://nj.gov/dep/ej/>

Overburdened Communities: <https://nj.gov/dep/ej/communities.html>

EJ Law: <https://nj.gov/dep/ej/policy.html#ejlaw>

Eo-23: <https://nj.gov/infobank/eo/056murphy/pdf/EO-23.pdf> and <https://nj.gov/dep/ej/ej-state.html>

Furthering the Promise: <https://nj.gov/dep/ej/docs/furthering-the-promise.pdf>

The Council welcomed Deputy Commissioner Olivia Glenn.

Deputy Commissioner Glenn thanked the Council for the opportunity to speak with them.

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Deputy Commissioner Glenn provided background information on her passions and role within the DEP; including her efforts to aid overburdened communities (OBCs) throughout the entire state, and bolster diversity in DEP and all State agencies.

She highlighted the history of Environmental Justice and the impacts. Specifically, recognizing disproportionate stressors, negative public health, and redlining impacts on OBCs. She stressed we must work together to overcome the cumulative impact of a history of toxic facilities and local land use and planning policies that have made these communities more vulnerable to flooding and climate change.

In 2018, Governor Murphy signed EJ EO-23 that continued EJAC, required interagency collaboration, and charged DEP with creating a guidance document, now known as: *Furthering the Promise*.

The nation's first EJ Law was signed by Governor Murphy in September 2020 to help remedy EJ burdens on low income, minority, and low English proficiency communities (or OBCs). The Department is currently developing rules and anticipates having a proposal by Early 2022. The rule making process has so far involved multiple public stakeholder meetings, and on June 24<sup>th</sup> will combine business and industry with EJ and environmental groups. Deputy Commission Glenn also walked the council through the EJ Map. <https://nj.gov/dep/ej/communities.html#municipalities>

- A summary of questions, comments, and feedback from the Council follow:

Deputy Commissioner Glenn, DEP staff and the Council discussed CSOs; specifically, how DEP continues to invest time and resources in these communities while working with EJAC to identify needs and provide updates.

A discussion then followed about EO-23 and how it directs DEP to engage all our boards and councils. Deputy Commissioner Glenn expressed that reaching the goals of the EO cannot be accomplished by the Office of Environmental Justice alone. Internally, DEP is working on the development of a DEP Initial Assessment. The DEP and its Divisions are reviewing their functions, tasks, outreach activities and seeing where they overlap with OBC and issues they have. The DEP will use that information to develop a DEP-wide Initial Assessment, identify what DEP can do better, and then put these actionable items with timeframes, milestones, and deliverables into an Action Plan.

The Council asked about NJPACT and land use rule updates as there is a desire to protect our cities as well as the coastal areas from flooding. It was noted that inland flooding has an impact on water quality and drinking water supplies. It is expected that SLR will impact our coastal areas, but there are also going to be climate impacts in our more urban areas due to the potential for increased inland flooding which will result in more sewage overflow issues, causing a greater health threat.

A council member commented that there are certain statutes that allow for host community fees and asked if this has been considered. It was noted that with the EJ law - you cannot buy off (host fees), but communities can still benefit from these fees, such as, for improved educational facilities. Discussion continued and it was expressed that there is a need to balance these tradeoffs so that the health and welfare of the community is not compromised. The EJ Law will not provide for host fees and that type of trade off, but there is continued collaboration between the DEP legal team and all DEP programs to ensure compliance with appropriate State and Federal laws and regulations.