

New Jersey Clean Water Council
Minutes of March 12, 2019 Meeting

Location:

NJ Infrastructure Bank (formerly NJEIT), 3131 Princeton Pike, Building 4, Suite 216, Lawrenceville, NJ

Members Present:	
George Bakun – NJ Business & Industry Robert Breslin – NJ State AFL-CIO Stan Cach – NJ Dept. Environmental of Protection Mark Wadiak – NJ Dept. of Labor Amy Goldsmith – General Public Mary Anna Holden – NJ BPU – Energy Harry Wozunk – NJ State League of Municipalities Dan Van Abs – General Public	Anthony McCracken – Chair, General Public Sandra Howland – NJ Dept. of Agriculture Chris Sturm – General Public Russ Furnari – 1 st Vice Chair, NJ Chamber of Commerce Shane McAleer – DRBC Maria Connolly – NJ Dept. of Community Affairs
Others: Ashley Kerr - Advisor	NJDEP Staff: Janice Brogle – Director – Division of Water Quality, DWQ Rachael Pepe – Director’s Office, DWQ Gabriel Mahon – Chief, Bureau of Non-Point Pollution Control Biswarup Gruha – Research Scientist - Division of Water Monitoring & Standards, Bureau of Environmental Analysis, Restoration & Standards

Meeting Called to Order: Chair Anthony McCracken at 10:02 AM.

The Chair requested all attendees to introduce themselves. The Council welcomed new member, Harry Wozunk, representing the NJ State League of Municipalities.

The motion to approve the December 11, 2018 meeting minutes was made by Maria Connolly, seconded by Amy Goldsmith. Minutes were approved.

DEP Updates

On December 18, 2018, the Bureau of Nonpoint Pollution Control held the second stakeholder meeting on potential amendments to the Stormwater Management Program. Topics of discussion were the inclusion of nutrient standards, accountability, oversight, and training for municipal review engineers, heightened standards for impaired watersheds, accounting for climate change, and improved maintenance standards. Approximately 35 stakeholders attended the meeting.

On February 27, 2019, the Bureau of Nonpoint Pollution Control held the third stakeholder meeting on potential amendments to the Stormwater Management Program. Approximately 40 stakeholders attended the meeting. The full list of submitted ideas have now been discussed at the stakeholder meetings. Some of the more complex ideas could not be fully explored during the discussions, and so, the Department will be convening several smaller workgroups to discuss the following five topics that require additional discussion and research: Nutrient Standards, Discharges into Impaired Waters, Climate Change, Improving Maintenance of Stormwater Facilities, and Nonstructural Stormwater Management Techniques.

On January 8, DWQ held the public hearing for the proposed rule changes to N.J.A.C. 7:8. More than 40 external individuals attended and 10 provided testimony. The comment period closed on February 1 and the program is in the process of reviewing the comments.

The Division of Water Quality on March 6 hosted a CSO public participation workshop at the Paterson Community Center in Elizabeth. There were approximately 70 participants consisting of permittees, supplemental team members and consultants. The permittees and supplemental teams were able to work on identifying stakeholders. This workshop was well received.

On December 19, 2018, NJDEP issued the Notice of the NJ Water Bank Financing Program's IUP for the SFY 2020. The public hearing was held on Jan. 9, 2019. Principal forgiveness funds will be continued for asset management for small systems; coastal community water quality restoration; green infrastructure for CSO sewers; Grey infrastructure for CSO sewers and Barnegat Bay for eligible storm water & non-point source management projects in the watershed.

Stan reminded that all Council members must take the comprehensive ethics training this year and submit the Questionnaire, as required.

Old Business:

The Chair asked for volunteers for the appointment of second vice chair. No one volunteered.

The Chair wanted Council to continue the dialog of what the top three most important solvable water quality issues in NJ? The Council and DEP will report back on ideas at the April CWC meeting.

New Business:

Biswarup (Roop) Gruha, Research Scientist, NJDEP, Division of Water Monitoring and Standards presented on the C-1 streams rule update.

- Rule is out now for public comment
- Revisions to the surface water quality standards at N.J.A.C. 7:9B
- Anti-degradation designations-outstanding national resource waters, C1 (exceptional resource waters) and C2 (all other waters)
- C1 means protected from any measurable change in water quality.
- Next steps-published in New Jersey Register on March 4, 2019; 60-day comment period will end on May 3; adoption by the end of 2019
- The link to Roop's slide presentation is:

<https://www.nj.gov/dep/workgroups/docs/swqs-20190117-pres.pdf>

Gabe Mahon, Bureau Chief, NJDEP, Division of Water Quality presented on the green infrastructure rule. Proposed amendments to the stormwater management rules-phase 1

- Can submit interest to join sub-group by 3/15
- Goals of the proposal: consistency, predictability, water quality improvements
- Rearranging subchapter 5
- Added a definition for Green Infrastructure
- Three tables identifying the performance of each BMP in meeting the three standards
- Deed notice must have a maintenance plan, description of BMP,
- Municipality may approve a variance or exemption if muni stormwater management plan contains a mitigation plan and municipality submits a written report to county review agency and DEP describing the variance or exemption and the required mitigation
- Approved variance must be submitted to the county review agency and DEP within 30 days of approval.
- Effective date: the proposal will include a 1 year delayed operative date
- Water quality standard will apply to motor vehicle surface instead of impervious surface
- CSO changes-clarified that water quality treatment is required for discharges into CSS, etc.

Mr. Mahon's presentation will be on the Council's web-site.

The meeting with Commissioner McCabe will be coordinated with the Department.

The Chair discussed the CWC meeting schedule 2019. The meetings frequency will depend on the Council's feedback and the formation of sub-committees defining the solvable water quality issues.

The Water Supply Advisory Committee requested if the Clean Water Council would like to conduct a Joint Councils Public Hearing, on the topic of climate change. The Council held a public hearing on climate change in 2009, entitled, "Water Policy and Climate Change". The Chair deferred discussion on this topic at the next Council meeting.

Announcements:

The next scheduled Council meeting is April 9, 2019.

Adjournment:

Meeting adjourned at 11:46 AM.