

**CLEAN WATER COUNCIL**  
**Meeting Highlights**  
**January 14, 2003**

**Location:**

NJ Environmental Infrastructure Trust, Building 6 Suite 201, 3131 Princeton Pike,  
Lawrenceville, NJ

**Attendees:**

Kerry Kirk Pflugh, Pamela Goodwin, James Cosgrove, Anthony McCracken, Pat Matarazzo, Helen Heinrich, Lou Mason Neely, Russell Furnari, Mary Beth Koza, Barry Sullivan, Ferdows Ali, Amy Goldsmith, Todd Kratzer, Ray Zabihach, Amy Shallcross (NJWSA), Pen Tao (NJDWSC), Peter Weppler (NJDWSC) and Ursula Montis, Secretary.

Introductions were made all around.

**Joint Meeting with Clean Air Council**

Pat Matarazzo and Kerry had a conference call on January 3, 2003 with the Clean Air Council, with the results being that because of both our Council's upcoming joint Public Hearings, neither of us has time for a joint meeting until possibly in May.

**Public Hearing- Topic will be Recycling and Reuse**

Pat offered his ideas for possible panelists for the Public Hearing.

1. From DEP – Joe Mannick, who could give State's perspective on Reuse and Bob Kesckes – Statewide Water Supply
2. Ed Clerico, who is on our Subcommittee and has done Reuse and Recycling and has insight on Pa. & NJ practical application.
3. Someone from Fish and Wildlife may be a good idea
4. A member of one of the Environmental groups.

Helen Heinrich – Shouldn't we have someone from Agriculture: Maybe to discuss dealing with capturing water and using it in greenhouses?

Lou Neely – Is this a hearing to tell people what's going on, or is it to solicit information from them?

Pat M. – Both. What we decided that at our last meeting we were going to have an up front panel discussion and then let the people question and comment.

Pam Goodwin – We found that in the past, more people would show up knowing that there would be interesting speakers with viewpoints, than just coming to testify. Didn't we discuss bringing in out-of-state speakers with a lot of experience in this area?

Pat M. – I talked to the people in Sacramento, Calif. I was able to get a disc from them with their Water Reuse Rule. It's very creative and has a lot of good ideas. It is about 85 pages, so rather than print it out, we can put it out on the Web so all can view it.

Kerry – The Division of Watershed Management has a contract with Rutgers Continuing Education Program at Cook's College. They may be able to do the logistics and arrange for the speakers for the Public Hearing. There is money in the contract that can be used to coordinate this Public Hearing. We should decide on what kind of a budget we will be looking at. I will be meeting with Alison DiPasca to go over these figures. We would have to provide the text for the flyer and they would send it out. I can also arrange for a press announcement. The big task for the CWC is to come up with the questions and speakers, so we can integrate these into the flyer as soon as possible. Right now, the Public Hearing is scheduled for April 16<sup>th</sup> at the Holiday Inn, in Jamesburg. We spoke at our last meeting about having a poster session for displaying around the Hearing area, in addition to speakers, to give the people a place to showcase some of the work they are doing with reclamation. We don't have to worry now about cost, but we have to decide on a budget.

Barry Sullivan – in the past I have listened to panels at hearing. They were limited to 5-10 minutes each. In this way, no one speaker took up all the time with his view.

Helen Heinrich – We really need to set the stage for the public because there is a lot of misinformation on this topic.

Pat M. – California, Nevada, Florida and Maryland have been very successful with Reuse.

Amy Goldsmith – There is a genuine concern, but I think that people are ready to discuss Reuse. Is the time for the hearing 4 – 8 pm?

Kerry - We can do what we want, but with a panel, we might want to do it earlier, like around 2 pm.

Lou Neely – We will get little results unless we spike the situation and say that CWC recommends the hot issue of "Reuse". We need something to jump out at the Environmentalists.

Pam Goodwin – Our only charge is to have an open, public hearing, not to make statements one way or another.

Ray Zabihach – We could use the drought situation as an example, and that we recommend something be done. Ask the public if reuse may be the answer.

Lou Neely – We are a water rich state. With proper management, we should have no problem with water.

Kerry – If you want to create an urgency, you can say that we were given a mandate by the Commissioner to explore the issue of reclamation so the Department can determine how it will respond.

Pen Tao – represents NJ Water Supply Master Plan, stated that one of the higher priorities of their Agenda is Water Reuse. He feels strongly that both Councils should work together.

Amy Chalcross – NJWSA – suggested we have a representative from the Board of Health on the Public Hearing panel.

Ray Zabihach – There are conflicting ideas in place which are confusing. We need to get the right information out to the public.

Kerry – We need to identify what elements of our regulations are in conflict, so people clearly know what they are and where the inconsistencies are.

Russ Furnari – Because of the time constraint to get information out, he moved to set up a subcommittee and coordinate what's going on with Water Supply, put some of the details together, and come up with a list of recommended names. A week before the next meeting, get an outline out to the CWC members, so there could be something to talk about at the next meeting.

Kerry – added to the motion that the subcommittee also do the crosswalk and look into what the inconsistencies in the regulations are and bring it back to the meeting.

Lou Neely – Seconded the motion.

Pat M. – called for volunteers for the subcommittee.

Kerry, Russell, Pat, M., Pam G. and Amy Goldsmith volunteered.

Motion passed.

Kerry – went over the charges for the subcommittee:

1. Topic of brochure
2. Questions for public response
3. Name of panelists and why they are recommended.
4. Inconsistencies of DEP regulations in water use/water reuse

Kerry – Questioned whether or not we, the volunteers, were educated enough to know what these inconsistencies are.

Russell Furnari – suggested we consult Dennis Hart (now in Water Supply) He was the regulatory guide on the permit end for quite awhile.

Kerry – asked if there was someone in Water Supply that could help us.

Ray Zabihach – was at a Seminar on Water Supply at the Ecocomplex. On the panel were people who had strong components on water reuse. Maybe we could get the minutes from that meeting to get some information.

Kerry - I will get in touch with Rea Brecki. If the Holiday Inn does not work out we might want to consider the Ecocomplex. They would like to get more into reclamation. It's a Rutgers facility and holds more than 100 people and has a wonderful display area for poster sessions.

Peter Weppler (NJDWSC) – The hearing should be public noticed and be in all the local papers.

Mary Beth Koza – We should have a separate committee to work on interpreting the Stormwater Rule.

Pat M – called for volunteers for this committee.

Jim Cosgrove – We need someone who has already tried to work through the rules. If you have people just read through them, they may not recognize the problem.

Kerry – asked for a month to do DEP search for information. I will bring the results back and then we can figure out if we even need a committee.

Pen Tao – recommended speaking to Dave Cohen, Vice Chair Water Supply Council.

### **C1 – 7.9B**

Jim Cosgrove – If you designate a reservoir as C1 and you pump up to, or into, that reservoir, what does that mean to the stream that flows into that reservoir or pumps up from the reservoir? The upgrade may affect treatment plants with their permitting.

Russ Furnari – Existing regulations say that a tributary is required to meet standards at the point they enter the C1 waterbody. They need to be evaluated in greater depth. One thing that is not clear is how that ties into the sources of water that are pumped into the water supply transfer? C1 says it will not be degraded, but it does not say all C1's are equal. There is nothing in the proposal that establishes how they are going to set this preexisting baseline for these reservoirs or waterbodies that are being designated as water supply of significance that are not the same level as the ones that were designated as C1 before.

Lou Neely – We need to be able to pump into reservoirs at high flow.

Jim Cosgrove – What is the definition of existing water quality? Someone has to figure that out, from a very technical perspective, how this affects my clients that are water purveyors and my clients that are dischargers. I have not found any definition anywhere in the regulations.

Pen Tao – The TMDL process will help explain this.

Lou Neely – Conflicting problems in C1 is the critical issue. Hopefully there will not be the same problems with reuse. There is not a proper definition in the regulations in labeling C1. CWC should address this problem so we can have a benchmark in which to measure degradation. Each one of those reservoirs have a different water quality standard and each one of them comes from different streams.

Pen Tao – C1 is not limited to reservoirs. It is also applied to rivers.

Ray Zabihach – reported that at the Jersey City reservoir there was no sewer treatment plant above the reservoir, it was below it. Therefore, you are basically dealing with non-point source pollution. That would mean every stream, brook and tributary above the Upper Rockaway would have to be C1 classified. What is the mechanism that would apply in this case.

Amy Goldsmith – The Stormwater Rules would apply. They integrated C1 into the Rules to force non-point source along.

Kerry – C1 isn't necessarily saying that you have to improve the existing water quality, it's saying you can't degrade what is already there. It would seem that some kind of a study has to inform what the existing water quality is, in order to know what the limits are before a permit is issued.

Jim Cosgrove – The Department has done a very bad job of defining existing water quality.

Amy Goldsmith – recommended that CWC make a general point on the clarity around existing water quality. Maybe have an advisory group formed to look into the rule making process, or put out the question of what are we to use to define water quality. Say that we as CWC support anti-degradation, but we want to make sure anti-degradation happens when we address issues about the pumping. We should pose questions that these are troubled areas we have pointed out, and that these need clarification. At least we are raising issues that we collectively think are important. Because otherwise, the regulations are going to fail and we do not want that to happen.

Russ Furnari – To be successful, there needs to be enough definition to it so that it does not get cloudy and later end up in more discussion and arguments before it gets implemented.

Lou Neely – If Russ and Amy could work together to come up with comments for the comment period, that would be great.

Kerry – If there are any comments, e-mail them to Ursula and she will send them to all CWC members to review.

Russ F. – Our next meeting is February 11<sup>th</sup>. The comment period has been extended to February 17<sup>th</sup>, 2003.

Kerry – moved we form a committee to craft a letter or outline of C1 comments for the Feb. 17<sup>th</sup> comment period and to bring it to the next meeting on Feb. 11<sup>th</sup>.  
Committee will include Amy Goldsmith, Jim Cosgrove, Kerry Pflugh, Pat Matarazzo and Russ Furnari.

Lou Neely seconded it.

Motion passed.

Tony McCracken – Is there a map available that shows Municipality or County perspective for reclassifications?

#### **Action Item**

Jim Cosgrove has prepared a map and will share it with members. He will e-mail it to Kerry. She will have Ursula send it on to the members.

Barry Sullivan – last meeting we talked about C1 and Coastal. Did anyone look into it?

Jim Cosgrove – C1 affects a portion of the Atlantic Coastline, from Beach Haven Inlet south to Cape May Point, three miles out, is C1. It excludes, sections of Atlantic City and sections of Ocean City, 7 mile outfall beach and Wildwood outfall beach. All streams that flow into the Atlantic Ocean are C1.

Pat M. – commented that his outfall has become classified as a Trout Stream and the trout are surviving. However they now want him to upgrade the Treatment Plant to C1. He will be arguing this issue.

Jim C – 7.9 revisions to Wildlife Criteria – he is disappointed in the criteria. He will e-mail comments to members.

Helen Heinrich – When did the new amendments appear?

Pat M. – they appeared on January 6<sup>th</sup>. There is a hearing on January 29<sup>th</sup> with close of comments by March 7<sup>th</sup>.

## **Phosphorus Issues**

Pat M. – Protocol was e-mailed to all CWC members. The State has made some minor changes but I have not seen that document yet.

Kerry – Jeff Reading informed me that they are still in the process of reviewing the comments and that they will make the document available to us when they are completed.

Jim Cosgrove – In pertaining to seasonal phosphorus, in some situations less stringent limitations are warranted in the winter, when eutrophication is not an issue.

Todd Kratzer – Emphasized the need for year-round Phosphorus removal since phosphorus can bind to substrates (specifically clay and organics) and become resuspended in the Spring of each year. (This is site-specific based on channel-substrate characteristics and scour velocity).

## **DEP Update**

Kerry – Jason Varano of the Legislative Office, was contacted. There are several openings on the Council that we want to fill. He will work on it and get back to us.

Amy G. – How long are the terms?

Kerry – Four years.

Kerry – on Stormwater – Three public information meetings are being scheduled for the next month in the North, South and Central NJ. It should be on the website under public information. We are going to be putting together regional meetings to give information to the Municipalities. There is a concern regarding the cost of doing a Stormwater Plan and implementing it. The Commissioner has indicated that he may be able to make some 319 monies available to help develop the Stormwater Plan.

On Water Supply – Kerry will try to integrate CWC in with working with Water Supply Council. I think our first step into that will be the reclamation issue. We should try and support their efforts and implementation of the Master Plan.

Two other areas of concern:

1. AmeriCorps - On January 21<sup>st</sup>, 2003, we are going to be proposing a program through the Watershed Ambassador Program, that is funded by AmeriCorps. We are resubmitting a proposal to get a 3 year grant that allows us to hire 20 individuals who work with organizations to set up volunteer monitoring programs. It is an educational process, not a regulatory one. We will be working with the Watershed Association on this.

2. There is a Super Map, (or “Big Map”) which is now being worked on. It identifies the areas of the state where development will be encouraged and where growth will be strictly regulated. It will help Municipalities to identify their growth plans.

Russ F. – There are training classes for the I-Map coming up.

Kerry – Would it be useful to have someone come and speak about the Super Map, maybe in March?

### **Council Subcommittees**

Pat M. – In the past, we had put together two separate subcommittees, one for the TMDL’s and one for non-point source component. We utilized them when needed. They were not CWC members, but were experts in their fields. There was always a CWC member present at their meetings. Because of dwindling participation, the two committees became one.

Lou Neely – Can you do an organizational chart with the subcommittee names and CWC members.

Pat M. – Yes, we have been working on that for awhile.

Amy Goldsmith – Maybe we need different or new technical people to form the subcommittee.

Ferdows Ali – Is there a timeline for the development of TMDL’s?

Kerry – We brought the notice that was issued on the first round of fecal TMDL’s. It is on the back table a handout. They will be noticed on January 21<sup>st</sup>, 2003 in the NJ Register.



**CLEAN WATER COUNCIL**  
**Meeting Highlights**  
**February 11, 2003**

**Location:**

NJ Environmental Infrastructure Trust, Building 6 Suite 201, 3131 Princeton Pike,  
Lawrenceville, NJ.

**Attendees:**

Pat Matarazzo, Kerry Kirk Pflugh, Pamela Goodwin, James Cosgrove, Anthony McCracken, Helen Heinrich, Lou Mason Neely, Russell Furnari, Barry Sullivan, Ferdows Ali, Amy Goldsmith, Todd Kratzer, Dan VanAbs, Barbara Rich, Pat Pittore, Robert Brabston, Joe Mattle (Water Supply Advisory Council) and Ursula Montis, Secretary.

**C1 Comments and Discussion**

The Comment Period for C1 Rule and the Wildlife Criteria was extended to February 17, 2003, therefore the CWC decided to comment.

Kerry Kirk Pflugh – reported that a draft letter for C1 comments was crafted by Russ Furnari as a result of a subcommittee conference call and shared e-mail comments from the CWC members pertaining to C1. This letter was brought to the Feb. 11<sup>th</sup> CWC meeting for review and to be accepted or changed, according to majority consent.

After reviewing this draft letter and after joint discussion, there were changes made to the draft. They are as follows:

- The 2<sup>nd</sup> bullet on the 1<sup>st</sup> page of the letter was changed to read “While the C1 designation process is being broadened, the Department’s current rules lack definitions of key terms within the C1 definition, and also do not have examples of exceptional ecological and water supply waters within that definition.”
- The 4<sup>th</sup> bullet on the 2<sup>nd</sup> page of the letter was changed to read “The Department has not addressed the fact that pumped storage water supply reservoirs are different from other waterbodies that have been classified as C1 and has not defined how water purveyors will address the impacts of their day to day operations vis-à-vis the new C1 classification.
- The 5<sup>th</sup> bullet on the 2<sup>nd</sup> page of the letter was shortened to read “In relation to the proposed wildlife criteria, there is evidence, based on the use of 3 “uncertainty factors”, that the resulting numeric criteria is also highly uncertain”.
- The last line of the paragraph in the center of the 2<sup>nd</sup> page was changed to read “With this in mind the CWC offers the following comments on actions the Department should take to enhance the proposed amendments and enhance its overall goal of improving water quality and the uses of New Jersey’s water resources”.
- In the second set of bullets on the 2<sup>nd</sup> page (CWC comments on actions the Department should take) the 4<sup>th</sup> bullet was changed to read “In the very near future, re-examine the state’s anti-degradation policies and define how they will be applied to protect New Jersey’s water resources and the various uses for which they are designated”.

- A sixth bullet was added to this list and reads “The Department should reconsider its use of the term “uncertainty factor” in the wildlife criteria. This term carries a sense that the results lack scientific rigor, which wasn’t the point. These factors are essentially “translation factors” and the CWC suggests that the Department use this term.”.
- In the last paragraph of the letter, the 2<sup>nd</sup> and third sentences were changed to read “The CWC also supports the need for the development of numeric standards or appropriate protocols for measuring the level of protection required to meet those various uses. However, these standards or protocols need to be developed in a manner that is technically sound and clear to the public”.

Lou Mason Neely - moved to accept changes to the draft letter for final C1 letter. It was seconded and passed.

**Action item:**

The final C1 comment letter (redrafted by Russ Furnari) was e-mailed to Pat Matarazzo, who signed it and then faxed it to Deb Hammond on February 13, 2003. A copy of this final letter was e-mailed to all members by Ursula.

**Public Hearing Discussion:**

Kerry – the subcommittee had a conference call to discuss questions, speakers and format for the Hearing. The topic will be “Reclamation and Recycling”. The date will be April 16, 2003 to be held at the Holiday Inn, at Jamesburg.. We will be able to have a room which will accommodate 100 people and there will be space for a poster session (in the hall or by the pool area). We would start at 2pm to allow time for a panel discussion. We would like to have a panel of four speakers with a moderator, possibly from Rutgers. The moderator would set the stage, introducing the subject, talk about research and current trends, then introduce the speakers. The speakers would each speak for 10-15 minutes, presenting case study examples of recycling and reclamation programs and how they were implemented, the difficulties along the way and the end result with recommendations. Questions will be invited from the audience after the speakers have presented. Suggested speakers were: Ed Clerico, Thames Water; a representative from US Filter; Peter Nese, Camp, Dresser and McGee; a representative from the golf course world; and someone from the State.

**Discussion:**

Pam Goodwin – spoke with US Filter. They have a range of different speakers, someone that could speak from the corporate perspective , someone from the legal level, etc.

Russ Furnari – They are a nationwide company, so they could give views on a national perspective.

Lou Neely – suggested getting videos from the speakers and play a VCR continuously in the poster session area. He would like to see it on a practical level as opposed to a corporate one.

Jim Cosgrove – Ed Clerico has dealt with a lot of issues with reuse in NJ and would speak well on the frustration of trying to accomplish reuse in NJ.

Kerry – another speaker being considered was Peter Nese from Camp, Dresser and McGee.

Pat Matarazzo – He has done a lot of work with reuse around the world, as well as in the US.

Helen – whoever is a speaker should realize the constraints in the State of New Jersey.

Kerry – The Technical Manual for Reclaimed Water for Beneficial Use is a proposal on reclamation as part of the Water Supply Plan. Joe Mattle is here today. He is the new representative from the Water Supply Advisory Council. We should decide whether we would like the Water Supply Advisory Council to be partners with us on this hearing. Joe and I were supposed to propose this at a meeting last Friday, but the meeting was canceled due to snow.

Joe Mattle – The Draft Manual on the web is a good manual, but it also has some glitches. One of the questions raised is how do we incorporate it into the NJPDE's Rule? We will be having discussions and work on this. There will be a reuse subcommittee and we expect a lot of good ideas and discussions to come out of that subcommittee. We are coordinating with all the co-chairs to put together a kick-off meeting for the month of March.

Kerry – We have to move forward with the public hearing because of the time constraint. In the meantime, Joe and I will speak to Water Supply Advisory Council about partnering with us.

Lou Neely – We need someone from the golf course to speak.

Jim Cosgrove – We are giving a seminar on golf course management in March. There will be five different speakers. One of the speakers is from Audubon International, who may have something interesting to say on reuse.

Dan VanAbs – Suggested someone from Princeton Meadows Golf Course.

Joe Mattle – We can also reach internally in the Department (DEP) to who may have case studies where there were problems with golf courses and how they handled them. Take a nationwide aspect on reuse and then bring it down to the NJ level and then come back to what your specific problems are.

Dan VanAbs – We want something that will be set up to result in recommendations by the CWC.

Russ Furnari – suggested Dennis Hart as a speaker because he has done some work in this area.

Kerry – There was some concern about the Agriculture community being represented.

Ferdows Ali – offered to look into this.

Kerry – who can we have as our academic moderator?

Jim Cosgrove – How about calling and asking Chris Obropta from Rutgers. He would know who to suggest.

Kerry – a representative from the State should be on the panel also. I have initiated a search for this person, but have not heard anything back on this.

Kerry – Can we focus on the questions for the flyer we will send out to the public. These questions were drafted by the subcommittee as a result of their conference call. They are as follows:

1. How do you feel about the use of recycled water as a solution for New Jersey Water needs?
2. For what purposes do you think recycled water should be used?
3. What are the pros and cons of recycled water use?
4. Are you aware of examples of recycled water use?
5. What public health concerns do you have about the use of reclaimed water?
6. What education is needed on the safety of using reclaimed water?

After discussion, it was decided to change the word “recyled water” in all the above questions where it appears, to “reclaimed treated wastewater”.

After additional discussion it was decided to have three speakers and a moderator; Ed Clerico, Thames Water, a representative from US Filter, a representative from a golf course and someone from the State (DEP) who would also act as the moderator. Each would speak for 15-20 minutes, starting at 2 pm and going until around 4 pm.. We would have a pause, then have questions and public testimonies.

**State Update:**

Kerry – FYI – I have brought a work chart on the Division of Watershed Management to be passed around to all members. This identifies the jobs that each Bureau or Office are performing. Members were asked to take a copy.

**Website:**

Kerry – is still waiting to hear from the Legislative Office re: our nominated and confirmed members. Until then, she will not change or modify the website until she has all the information. We have a new webmaster, who is new and is being trained.  
Ferdows Ali – was not pleased with the website. He suggested using hyperlinks.

**Announcements:**

Ferdows Ali – announced the Agriculture Program on February 26<sup>th</sup> at the EcoComplex.  
Pricilla Hayes is the contact person.

Kerry – Announced that on Fri., Feb. 14<sup>th</sup> – Stony Brook and DRBC is sponsoring a Stormwater Workshop. Laura Alex is the contact person.

Kerry – she has put in a request for someone to do a presentation on the “Big Map” for the March meeting.

**CLEAN WATER COUNCIL**  
**Meeting Highlights**  
**March 11, 2003**

**Location:**

NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ.

**Attendees:**

Pam Goodwin, Kerry Kirk Pflugh, James Cosgrove, Anthony McCracken, Helen Heinrich, Lou Mason Neely, Russell Furnari, Barry Sullivan, Ferdows Ali, Amy Goldsmith, Todd Kratzer, Dan VanAbs, Pat Pittore, Robert Brabston, Rick Kropp, Marybeth Koza, Ursula Montis and Larry Baier.

Pat Matarazzo could not be present so Pam Goodwin (Saul, Ewing, Remick & Saul) presided over this meeting.

Pam Goodwin called for any corrections or additions to the minutes of the last meeting. There were none. It was moved that the minutes be approved as written. It was voted upon and passed.

**C1 Comment Letter:**

The draft C1 letter was finalized on February 13, 2003, signed by Pat Matarazzo and forwarded to the comment people.

PSE& G letter of comments on the proposed amendments to the Surface Water Quality Standards, dated February 17, 2003 was handed out to the members. Russ Furnari reported that it would probably be awhile before we hear anything back on these comments, as there were many of them and also there were a lot of issues with the science on the Wildlife Criteria that needed to be reviewed.

**Public Hearing Update:**

Kerry Kirk Pflugh reported that everything was moving forward. She brought a copy of a drafted version of the flyer and wanted the members to look at it and to add or make corrections. The title of the Public Hearing will be "Reclaimed Water for Beneficial Reuse". This flyer will look a little different from the one last year, as Rutgers will be doing the formatting. They will send it out to about 4,000 people. The NJ Water Supply Advisory Council will be co-sponsoring the Hearing with us. Their name also appears on the flyer. The questions in the brochure are all the ones agreed upon at our last meeting. We have all our speakers and are just waiting to hear back from Jim Grob on who will be our Golf course speaker. The flyer will go out within a week or so. Kerry has contacted the press office and they will be doing a press announcement for this Hearing.

Tony McCracken asked if we could add the Water Supply Advisory Council's website in the flyer.

Kerry – yes we can.

Marybeth Koza – Do we need a speaker to represent industry?

Pam Goodwin – U. S. filter will do that. They will speak of their experience in implementing this program interrelating with private industry as well as with the public sector, because they deal with both.

Marybeth Koza – Maybe we need more details on what the speakers will be talking about.

Kerry – We will get the title of their speech and a short description of what it will be about.

Russ Furnari – Can we offer the public a chance to do a poster session? Put it in the flyer and ask that they call in ahead of time?

Kerry – Yes, we can do that.

### **Big Map Presentation**

Larry Baier, Director of Division of Watershed Management spoke on the “Big Map”. The Map is up on the DEP website. The majority of the information for the “Big Map” came out the Governor’s State of the State address. It is a blueprint for intelligent growth. The plan is to direct growth back to where we want development to occur, in the Urban areas. A big part will be to focus resources into the Urban areas making them more attractive and livable thus encouraging people to move back to those areas. We want to encourage growth back into the Urban areas and discourage growth in the suburban areas. The red areas are the more environmentally sensitive areas where the focus is more regulatory, designed to protect those sensitive areas. The Map is a GIS generated map with overlays and is designed to consider both existing conditions and environmental factors. Red is the sensitive areas, green areas will focus on encouragement of development in this area, and yellow is the transitional area that could go either way, depending on conditions. This map is the most recent one but there will probably be changes made as we go along. The Map is being developed using an overlay method that considers:

- Existing conditions
- Environmental factors
- Elements of the State Plan Policy Map

Multiple Geographical Information System data layers (GIS data) are being integrated, sorting the State’s land and water areas into three areas: Green Light, Red Light and Yellow Light areas.

Area 1 – Smart Growth Areas “Green Light”-

- “Core” green covers: Metropolitan Planning Areas, Urban Enterprise Zones, Urban Coordinating Council Neighborhoods, Node, Cores and Designated Centers, CAFRA Centers.

- “Auxiliary” green covers: Suburban Planning Area 2 (PA2) where PA2 overlaps with Approved Sewer Service Areas (minus SSAs for Discharges to Ground Waters less than 20,000 gpd, holding tanks and non-discharge areas)
- “Red Light” areas are removed from both.

Area II – Growth Reserve Areas – “Yellow Light” covers:

- Wetlands within “Core” green light areas that are greater than 5 acres
- Suitable habitat for Threatened and Endangered Wildlife Species from the Landscape Project (Rank 2) within the “Core” green light areas
- Any areas not mapped as Green or Red light

Area III – Natural Resource Areas – “Red Light” cover

- State Open Space
- Local and County Open Space
- Private (non-profit) Preserved Open Space
- Federal and Utility Open Space
- Farmland Preservation Areas
- Agricultural Lands
- Pinelands Preservation Area
- Buffers of Category 1 Waters that are currently designated or proposed in regulation (stream segments depicted on map)

The biggest item turning a large part of the map red is the Threatened and Endangered Species. The Landscape Project basically mapped out the habitat of the Threatened and Endangered Species. Natural Heritage Priority sites were mapped out as Red areas.

The Commissioner would like us to shift away from a traditional planning module and go into a standards based approach. The “Map” will guide development, state resources and state regulatory policies across all Departments (regulatory and non-regulatory). We would integrate the “Big Map” with the State Plan Map. In the “Green Light” areas we would like to make grants more attractive and available to encourage growth and development in those areas. We will try to make the regulatory process smoother, but we will not abandon environmental standards. In the Red Light areas we will limit resources with a reduction of general permits, and shift to “Green Light” areas, making use of general permits in wetlands. In all areas there will be incentives. We will try to preserve large areas of land in the “Red Light” areas. In the “Green Light” areas we would advocate the practice of environmentally sensitive development.

The Commissioner would like to do away with Treatment Works Approval in the “Green Light” areas. As long as there is capacity, you can hook up to the sewer without Department oversight.

It is the hope that ultimately the “Big Map” will be adopted as a Statewide Water Quality Management Plan Amendment. This would make our decisions, in terms of Wastewater Management Planning and Water Quality Management Planning, consistent with the “Big Map”. They would like to hold impervious coverage, which impacts water quality, down to 10%. Impervious coverage, that is 25% or better, is irreversible. Therefore, if



we make the impervious covered areas better, we would improve Water Quality in those areas. We would rescind approved SSA's in the "Red Light" areas. We will use a three legged stool approach:

- Nitrate dilution – 2 ml/liter nitrate concentration
- Surface Water Standards – Focusing on impervious cover to predict what effects will be.
- Water Supply aspect – looking at an interim threshold where we would only allocate in the red areas some portion of the difference between the base flow and 7Q10.

The Watershed Rules are not done yet. But, clearly the capturing of septics at some point will be an emphasis in these Rules. There is a plan to integrate State Programs. The Department of Community Affairs will integrate the SDRP endorsed plan and the WQMP process. They also plan to integrate the Dept. of Agriculture as well as the Dept. of Transportation. The schedule is as follows: Notice of Opportunity for Public Comment will be in the NJ Register 3/3/03; Close of Informal Comment Period will be 4/2/03. The target date for the first round of Rule Proposals will be Spring of 2003.

Discussion with members:

Barry Sullivan – What would prevent developers from building on septic systems on large lots in Agricultural areas (red areas)?

Kerry – the presence of Threatened and Endangered Species could prevent that.

Larry Baier – I can't prevent that from happening, but we can make it more attractive and more cost effective for them to cluster in an area where we prefer them to build.

Barry – We really need to deal with the Municipalities. That is something that has not been done in the past and should be.

Marybeth Koza – The only one that gets regulated is Industry. Management comes to me and says that they want to grow, and ask how they can do this. Unfortunately, the Map does not take into account environmental justice. You can't have everything green without Industry, because you have to have economic growth. I do not think this Map does that.

Larry B. – We will be looking very hard at that issue and how we will deal with environmental justice.

Helen Heinrich – The Plan Endorsement you referred to, is that the State Plan Endorsement process, or is this a separate DEP Plan Endorsement?

Larry B. – They will be one in the same. I can't say whether it will be the same current State Plan Endorsement process. Those two processes will become one. In fact, our WQMP amendment process will be rolled into them as well, so that it will be one process. DEP will sit at that table and have a part in what is decided upon. Someone needs to look at this at a more refined level.

Amy Goldsmith – had a meeting with the Commissioner and some of the changes that are going to be proposed and submitted to the Legislature, were providing more tools to the Municipalities. The towns that want to use the tools, will. The towns who do not, won't. The State has made it clear that they will not support those Municipalities financially if they do not do what they should. The original Map presented in January was, for all intent and purposes, a Water Rule, Land Use Map. And I hope that we continue to stay close to that path, because I think that we do not have the water to drink, we will not have it for anything else. I am concerned that some of the areas that went green may not be appropriate because they are historic sewer service areas.

Pam Goodwin – I question from the tax based standpoint, whether in the future there will be money available for the Municipalities to do the kinds of things you are contemplating that they are going to do, because it's all one big picture. If there isn't enough incentive for builders to build and industry to develop and jobs to be formulated, then, although it's a wonderful academic concept, I am just not sure how it will play out in the long run.

Tony McCracken – When the State Plan came along, there was a financial impact study that was done by Rutgers University. People have been asking if that is something that will be included in this analyses too, as part of the Plan Endorsement process. Originally, it was thought that such an analyses was necessary.

Lou Mason Neely – How do we allow streams to recharge?

Larry Baier – I think that this Map will force that issue. Your Public Hearing is exciting to me, in that, we hope that it may generate new ideas on how to get around the high cost of reclaiming water. Right now, it is more cost effective to pump more water and drill new wells than it is to bring water back to the sewer treatment plant. Who will be responsible for treating that water? Will it be the sewer authority or the end user? I'm hoping that a lot of these issues will be talked about at your Public Hearing.

Tony McCracken – do you see challenges down the road in promoting the “Big Map”?

Larry Baier – It will be a long tough road. We are trying to take this concept to as many different interest groups as possible to get their feedback, so that what we end up with is the most reasonable thing we can do to protect the environment.

Pam Goodwin thanked Larry for his presentation of the “Big Map” and adjourned the meeting.



**CLEAN WATER COUNCIL**  
**Meeting Highlights**  
**May 13, 2003**

**Location:**

NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike,  
Lawrenceville, NJ.

**Attendees:**

Pam Goodwin, Kerry Kirk Pflugh, Lou Mason Neely, Russell Furnari, Ferdows Ali, Amy Goldsmith, Todd Kratzer, Dan VanAbs, Pat Pittore, Rick Kropp, Marybeth Koza, Barbara Rich, Ray Zabihach and Ursula Montis, Secretary.

Pat Matarazzo is recovering from a heart attack and bypass surgery so could not chair today's meeting. Pam Goodwin will take his place today.

**Public Hearing Update**

The Public Hearing held April 16, 2003, at the Holiday Inn, Jamesburg, NJ on "Reclaimed Water for Beneficial Reuse", was well attended.

Pam – The good attendance is a positive thing and shows that we may have hit upon a subject that is ripe for discussion.

Kerry – There were at least 125 people there. There appeared to be more listening than conversation. Those present seemed to be trying to learn more about the subject matter. What was disappointing was the fact that, when the panel discussion ended, the majority of the people left. There were only about eight people who provided testimony. The questions and comments on reuse were not controversial. The nature of the comments were not so much recommendations to the Department as they were encouraging the Department to look further into this issue. The concerns that arose were things like maintaining the base flow, the quality of the effluent and that it is meeting the standards, etc.

Pam – What interest groups were represented?

Kerry – Dan VanAbs commented. Environmental Federation, Stony Brook Watershed, Clean Ocean Action, Ocean Co., Matt Polsky as a private citizen and another private citizen from South Jersey all commented.

Kerry asked Ursula if we had heard back about the transcript and when we would be getting it. Ursula reported that as of today, we had not heard from the agency. After we receive it, we will be able to have the appointed subcommittee go over it and the comments, in order to make recommendations to the Commissioner. Kerry also suggested that we may want to consider doing a presentation of our findings from the Public Hearing in person to the Commissioner and go over the results, as well as send a formal letter to him. Clean Air Council is using this approach.

Pam – We will need to appoint a subcommittee to go over the transcript and comments and to come up with a draft to present to the Council. She volunteered to sit on that subcommittee. She called for volunteers. Russ Furnari and Marybeth Koza volunteered.

### **DEP UPDATE**

Kerry – There was a meeting on April 26<sup>th</sup> of the lead entities and Watershed Associations with the Commissioner. The Commissioner spoke of his major initiatives and of the role of the stakeholders in the process. The people appreciated the chance to have a dialogue with the Commissioner and ask him questions. It was well attended and was a positive meeting.

Russ Furnari – reported he was surprised to learn that the watersheds in the Lower and Southern Delaware were not functioning. The money vanished and the watersheds just melted away.

Dan VanAbs – commented when he looked at Central Delaware's meeting schedule, that there were no meetings scheduled. It seems that they are waiting to see what direction the Department will go in the way of funding projects.

Russ Furnari – we have zero funding but our meetings and projects keep going because there is interest there.

Lou Neely – So that means it is locally driven.

Russ – yes.

Lou – What is DEP's role in scheduling meetings and keeping them active?

Kerry – The message to the PAC's is that they can continue and we will provide support, but it is not our role to set up the meetings. The difference between what you are seeing in the South and the North maybe that the North have old well established groups that are funded and can keep going without DEP funding. Whereas, many groups in the South are new and not as well funded and need additional support.

Dan VanAbs – I think Cape May is continuing with their meetings but they are focusing on Water Supply as their issue.

Lou Neely – I have heard that Water Allocations is way behind in issuing permits. Kerry, can you give us any idea where they are?

Kerry – I heard they are behind about 2 years.

Lou – Can you request from them how many permits are pending, (can they do it geographically) and what is causing the delay? Who is the head of Water Allocations now? Can this information be sent to us by e-mail so we can discuss it at the next

meeting? I think that the delays in the permits can cause apathy in the watersheds. It stops all sorts of growth and industrial activity.

Russ – There was an issue where they were talking about putting new enforcement actions on water allocation. There seemed to be an underlying message that they are re-evaluating how they are doing water allocations.

Marybeth Koza – From an industrial viewpoint, the backlog of permits impacts the economic growth of the state.

Amy Goldsmith – We should think through the questions before we put them before Water Allocations. The question I would ask is, that in the number of water allocation permits, what is the division between residential, commercial, industrial, golf courses, agriculture and institutions (colleges, schools)? Are we talking about lots of smaller or larger facilities or lots of developments? This information should be in the database (NJEMS).

Lou Neely – We should find out whether the major problems are because of new rules or a new allocation process.

Barbara Rich – Does DRBC get involved with the withdrawals?

Dan VanAbs – Yes, they do.

Barbara Rich – After the exposure that we have had on reuse, I noticed that there is a well permit renewal coming up for a golf course that is within two miles of a Wastewater Treatment Plant (WWTP). The golf course is located in West Hampton on Wood Lane Rd. and is called Deerwood Country Club.

Kerry – I can send an e-mail to Howard Thompkins who is Bureau Chief for Reclamations and let him know about this golf course. I don't know who facilitates those partnerships to happen, but I will try to find out.

Russ – That is one of the comments I made previously. There should be more coordination between Water Supply companies for that particular area and the Treatment Works and the potential customer. Someone is not going to pay for infrastructure that they do not need if they already have water.

Marybeth – The other concern is the major modifications on the wastewater treatment on the NJPDES permit. They are harder to get.

Kerry – I would recommend that the subcommittee that will be working on the comments and transcript, also include ideas and suggestions of their own to the Commissioner, as well. We should not be restricted to only what was provided in testimony. We, as a Council, should put our own thoughts and ideas on paper, too. You are all raising some very good points, so we should convey those to the Commissioner. Even those issues at

conflict should be brought up because the Department should be aware of them so they can be addressed. I will have Ursula put together a package of the comments sent in and send to all of you. That may help you to come up with more ideas and viewpoints to submit with the recommendations to the Commissioner.

Kerry – There is a list for NJ Statewide Water Supply Plan subcommittee meetings that are coming up. The first is this Fri., May 16<sup>th</sup> at USGS, on Water Conservation and Beneficial Reuse. I will have Ursula get the list of the meetings from Joe Mattle and e-mail them to you.

Dan VanAbs – I have a question in terms of funding 319 projects. Larry Baier had mentioned that there would be \$2 million available from Corporate Business Tax. How will that money be made available? Will it be competitive or what?

Kerry – There has been no discussion on CBT money. We were asked to submit our individual program budget requests and we did. We have yet to have a budget meeting. Larry has been meeting with Ernie Hahn and Dottie Correnti to review what is being allocated to our division. We are supposed to be meeting soon and maybe by then we will know what money we have to spend on outside projects. I don't know what the competitive bid process will be at this time. When I know more I will let you know.

Russ – We were told when looking at the watershed projects to look for those that tie in multiple major initiatives.

Dan VanAbs- Larry Baier does not like the idea of scattering the money so thinly that you do not receive the benefit from it.

Kerry – Larry may come up with things that may be of greater priority. He will probably try to honor the regions.

Barbara Rich – What are some examples of a regional project?

Kerry – Right now there seems to be a great deal of emphasis on stormwater. I suspect that a project would get a lot more attention if they looking at a stormwater regional plan. It would be a big undertaking and a lot of partnerships would have to be established.

Pam – The Commissioner has announced that the “Big Map” is now removed from the website. Can you give us an idea on what is happening with the “Map”?

Kerry – My understanding is that is down from our website. The County meetings are still happening. Everything is on hold right now. I don't know what the status is on whether the colors, (red, green and yellow) will remain or not. I don't know whether they will reexamine how the sensitive areas are going to be protected versus the way it has been proposed up to this point.

Dan – I was at a meeting on Friday, that included Commissioner Lavin, Community Affairs, Secretary Kuperis from Agriculture, and Adam Zelner from Smart Growth. They said that we were headed for a single combined proposal that will come out in November (everything through the State Planning Commissioner). Then they will start setting up a cross acceptance process with the counties and through the municipalities in April 2004. So everything that is happening through DEP is supposed to come through that process.

Kerry – They wanted all the Departments of State to comment on and make a contribution to the concept of the “Map”, so that it would be one map for the whole State.

Pam – Does that mean we would not see proposed regulations out of DEP until April 2004?

Dan – That’s a really good question. There was no one from the DEP at the meeting to ask that question. Some of the regulations could be proposed without the “Map” but others have to be tied to some phase of it.

Marybeth – For those individual persons who commented on issues related to the “Big Map”, will there be responses back to them?

Kerry – I don’t know.

Russ – I don’t think there that there will be a response, because it was not done as an official notice.

Amy Goldsmith – When they issue the formal rule, that’s when they will have to respond. Hopefully they will be reflected in the final rule.

Dan – They are required, when they go through a proposal, to summarize what they learned from it.

Ray Zabihach – I was at a meeting with the Commissioner where he said that the purpose of the “Big Map” was to provide clarity and more information. I then commented that it would serve DEP staff, everyone at the Municipal County and the public’s perspective a lot better if we had DEP layer various environmental data. Having DEP provide everyone with layers of information and then key in certain areas where a lot of environmental layers overlap, (key points that DEP can concentrate on) would be the best way of providing information to everyone. That would enable you to identify quickly where special concerns would be. Thereby they could then look at site- specific criteria as an implement to the regulatory basis. The Commissioner seemed interested in this approach.

Russ – That is exactly the kind of mapping concept that the Passaic River Coalition put together for a study they were doing on well head protection for Morris and Essex



Counties. The areas that had a certain shade of color because of all the layering, were the sensitive areas. They were immediately able to identify them. They were the target areas.

Marybeth – Are there well head protection areas on a map where you can download them?

Dan – Well head protection areas are on a map. I don't think you can download them.

Russ – They are on the website and the layers are available. We have to use them for remediation work.

Lou – There is a lot of activity still taking place with the “Big Map” even though it has no statutory authority compared to the State Plan. There are a number of rules and administrative things the DEP and DCA are doing to give us some statutory teeth.

Ray Zabihach – The “Big Map” is DEP's interpretation of the State Plan map. The mechanism to deal with it can still be implemented using the State Plan. The State Planning Commission needs more environmental information to better inform their designations. I don't think we should have a substitute map, which is the “Big Map”, on a policy level. Let the State Plan do that.

Todd Kratzer – Do you see this information coming from the counties? The counties may have more information on environmental characteristics than the State.

Dan – Some counties have better deposit information than the State, but as far as endangered species and well- head protection information, the State is more informed.

Ray – The County Planners had their meeting last Friday and at that meeting there were representatives from Smart Growth. They expect the process of cross acceptance to begin this Fall. They want to get information from all the State agencies, incorporate it and come up with a rough draft of the State Plan map. Then they will give this map to the counties and let them use the information they have to amend the map. They expect to accomplish this in 6 months. I don't feel that time constraint is realistic.

Marybeth – asked about our joint meeting with Clean Air Council. When would that take place?

Kerry – They cannot meet until after September. They are meeting with the Commissioner to present the results from their Public Hearing in July. They don't meet in August, so that leaves September or after.

Lou – Plan it tentatively for September, because if you don't plan it, it won't happen!

Kerry – I wanted to bring up the issue of drinking water security (homeland security) Is this an issue that the Council would like to talk about and perhaps make some recommendations? I have been named to a National panel on Homeland Security and Drinking Water. I'm the risk communicator on the panel. We are trying to come up with recommendations to the EPA for funding in different areas where it relates to water security and water supply. The issues of security, post 911, are greater than they were before.

Lou – I think every purveyor is required to give a risk assessment report to DEP, due on June 30<sup>th</sup>. There is plenty of data out there, I don't think we could add to it.

Kerry – In the event of a security breach, are there emergency plans in place?

Lou – AWWA website has a lot of good information on that subject.

Pam – I think what Kerry is trying to ask is whether we as a Council want to investigate the existing systems in place and perhaps make recommendations on what more could be done in the event of an emergency.

Dan – I think you would wind up duplicating efforts because there is, in fact, a statewide committee doing just that. Gary Sondermeyer sits on it for the Department. Of course, a lot of what they're dealing with, they are not talking about.

Lou – I don't see a role for us in this. DEP has a checklist. Every purveyor is going through a new evaluation on that whole issue.

Russ – the purveyors that I have talked to, say that it is more of an issue of "catching" something wrong. Increased monitoring is one way of doing it.

Marybeth – I understand that there is a lot of information on security risks on the web. However, the more data we put out there, the more risk we expose ourselves to.

Dan – I know that they are having specific discussions on that subject now.

Russ – We don't have a problem with the major facility information being given to the emergency responders, but you shouldn't be putting up the mapping on the website, so everybody else can see it and target an area.

Pam – I don't know whether the individual homeowner knows how to be prepared. For instance, what would be an adequate supply of bottled water? How would they react to an emergency situation?

Russ – People will react in extreme ways to too much data.

Dan – The next cycle coming is going to be on the non-point source side, the stormwater side, and damage to streams because of stormwater, etc. The general populace does not believe that this cycle for non-point source study will cost as much as it did for point source. What role can the CWC play in terms of understanding the costs and available revenue as well as understanding the methods of collecting these revenues over a period of time? What will it cost us over a twenty year period, what is our shortfall?

Marybeth – Maybe that should be the next topic for our Public Hearing.

Lou – Add your animal feces to it. Everyone seems to be ignoring that problem.

Russ – Maybe we can start looking at getting some presentations from various areas on topics related to that and get ideas on solutions to the problems. Another issue that was raised was combined sewers versus separate sewers. Maybe having combined sewers is not such a bad idea after all. If you do it right and you have enough capacity, you are actually not dumping that into the waterway. As long as you do not have to have the out-fall operate and discharge untreated water at any time, then that may be a more efficient method to use.

Marybeth – DEP has a database on wastewater treatment facilities permit limitations and their flows. The data is there but the problem is getting someone to do the analyses. Maybe as a Council we can find some colleges to join us and do some of the analyses on the data at DEP. That data can then be used for infrastructure.

Dan – Some of that comes back to Smart Growth issues. Any city with a combined sewer overflow situation has no extra capacity for wastewater. What do you do about it? Can you reduce the amount of stormwater that goes into the stormwater systems in the first place as a way of making room for additional sewage? A whole series of interesting ideas can come out of this. Capacity, cost (what sort of money do we need to make it happen) would be a consideration. It would probably take years, but the CWC could make a significant contribution to this whole discussion by focusing on this issue.

Amy – There is going to be a revamping of the Environmental Infrastructure Trust. They are talking about putting some money aside to do grants. Maybe there are certain pilots that we think should be done because that would give us a learning tool. Maybe there would be some of us who could focus on that. We could form a subcommittee to do that. However, we still do not have the list of names of our Council members or our technical subcommittee members so we can pull from these and form our committees.

Kerry – We have sent the list of names to the Governor's office months ago and still have not heard back from them. So, as a result, there are people coming to the CWC meetings that are not officially appointed.

Amy – If we wanted to have subcommittees, we should form them amongst ourselves. I would even be comfortable with that.

Kerry – From what I am hearing, I believe the Council needs a work plan. There are topics you want to pursue, so what we should do is formalize a work plan saying, for instance, that for the next year or two, these are the topics you want to work on. The people on these subcommittees would then on a monthly or quarterly basis, report their findings to the Council. Then the Council can make their recommendations to the Department. I will look at the minutes from today's meeting and prepare a worksheet, similar to a work plan and list the topics that you have identified. We can then figure out what kind of activities we want to pursue relative to those topics. Should we as a Council, and I don't know if this is even allowed, pursue funding to do research on a certain thing?

Dan – Does anyone know when the Statewide Water Quality Management Plan was last written? The last version was written in 1985. I don't know if anyone has actually seen the Statewide WQMP. The Water Supply Advisory Council is fortunate. It has a law that says that you shall have a Statewide Water Supply Plan and you shall involve the Water Supply Advisory Council in the development of it, and so it happens. The Statewide Water Quality Management Plan could be the thing that this Clean Water Council hooks to, to deal with all these kinds of topics we've been discussing. I think the Department could benefit from having these topics looked at. Maybe we could put together as similarly intense a look at clean water as they are giving to water supply.

Pam – Is that Plan subject to revision at any time?

Dan – I don't think there is anything in the law that says how frequently it has to be revised, which is different from the Water Supply Plan that says it has to be revised every five years. Basically, the Rules have set aside the Plan. Everybody is focusing on the Rules.

Marybeth – Could we see what's in the Plan?

Kerry- I will see if I can locate it between now and the next meeting so we can look at it.

Dan – Call Bill Minervini with Barry Chalofsky's group, he should have it.

Amy – We should be thinking of, and working on topics that are current with the Department or at least links to something current that's going on.

Kerry – The Department is in the process of potentially updating our Rule. I don't know the time frame for that. To the extent that might link it to an updated Plan, it might be timely.

Dan – The Department will probably want to look at a lot of issues after it gets through all the massive material preparing for the Rule, but have no time for it now. It would be nice for them to know that there was a group out there prepping these issues for them.

Amy – We don't want to waste our time on things that the Commissioner does not think are relevant.

Kerry – Based on that thought, it might be a good idea for us to think about these topics between now and the Fall. Then we can meet with the Commissioner and propose the topics that the Council will pursue for the Department while they are in the process of finalizing their Rule. We can see what he says about them. That would make the work more meaningful.

Marybeth – I think it is a good idea. It would give us more of an ability to voice things.

Dan – Years ago, the Council used to get Assistant Director level representation from more than just planning, the Division of Water Quality was there. They had things to talk about. I would like to see Clean Water Council build back up to the point where it commands that sort of involvement.

Pam – Amy put her finger on the fact that we currently have a Commissioner that has a strong will and a strong vision. Water is one of the primary focuses of his vision. Until he gets his own program in place, I don't think he is looking to have a strong CWC in place.

Ferdows Ali – As a layman member of the Council, my vision is that the Council would look into the health of the water as a whole in the State, ground water and surface water. Where are the impairments, do we know? And if there are impairments, what are the programs in place to restore them to the quality that is necessary. And if those programs are not adequate, is there anything we can recommend to get them up to speed? What does the Water Pollution Control Act do? Do we all know? If not, is it necessary for us to have some kind of training in these rules and regulations? The TMDL people are doing a lot of work. Do we know what it is they are doing and can we have a monthly update? What is the action going on from the Water Quality front, primarily enforcement action? How much are they getting from penalties and where is the money going? We need some kind of an overview of the whole program. If you are looking for a plan, maybe some of these things can be laid out in a structured fashion. In this way we can have a handle on questions that may come up. The Commissioner may have his own priorities on what programs we can advise him on, but if there is something beyond his programs, that are on a proactive basis, we can still make our recommendations.

.

Kerry – Are you looking for an explanation on how the various programs are working together to achieve water quality?

Ferdows Ali – I think we need to have the current status of what is going on to protect and restore the water quality.

Pam – We should suggest to Pat Matarazzo that our next meeting Agenda include an outline for a work plan of all the topics we have discussed today, and the possible subcommittees that may arise from all the suggestions made. At the next meeting, we will have to be prepared to volunteer for these subcommittees. These subcommittees will have to form and meet and create a vision for themselves as deliverables.

Pam called for motion to adjourn the meeting. Russ made the motion, Ray seconded it. Meeting adjourned.



**CLEAN WATER COUNCIL**  
**Meeting Highlights**  
**June 17, 2003**

**Location:**

NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike,  
Lawrenceville, NJ.

**Attendees:**

Pat Matarazzo, Kerry Kirk Pflugh, Russell Furnari, Ferdows Ali, Amy Goldsmith, Todd Kratzer, Dan VanAbs, Pat Pittore, Marybeth Koza, Helen Heinrich, Ray Zabihach, Tony McCracken, Diane Alexander, James Cosgrove, Jr., Carmen Valentin, Barbara Hirst, Larry Baier, Fred Sickels and Ursula Montis.

Introductions were made all around as there was a new member who joined us today. The new member is Carmen Valentin, from the office of Smart Growth, who is replacing Barry Sullivan from Community Affairs.

Kerry commented that copies of the Statewide Water Quality Management Plan will be passed out to all members. Larry Baier will be speaking to us today on the new rule proposal for Watershed, Barbara Hirst will speak to us on the TMDL Program and Fred Sickels is here to answer the many questions we asked about Water Allocation permitting. After looking at the Statewide WQM Plan and hearing what these speakers have to say today, we may have a better idea of a specific direction for this Council to take. Because of our full agenda today, I suggest we make our July meeting a workshop meeting and come up with a scope out a good direction for this Council. We can then run this past Larry and the Commissioner and see if it is consistent with the mission of the Department.

**Joint Clean Air Council Meeting in October- Agenda items suggested:**

- Pat Matarazzo – MTBE issues, air deposition component
- Diane Alexander – Mercury
- Russ Furnari – PCB's
- Pat Matarazzo – Wildlife Criteria (air deposition concentrations)
- Pat Matarazzo – USGS – non regulated compounds

Pat Matarazzo – commented that after reading the response to comment package on C 1 regulations, he felt that for the first time, we have a very clear definition of existing water quality. One of the questions that we as dischargers asked was where did antidegradation kick into our process? It kicks into our process at design capacity. This is the first time that they have actually explained what they mean by existing water quality as it relates to a discharger's flow.

Helen Heinrich - What was the date of that comment package?



Pat Matarazzo – May 19<sup>th</sup>, in the NJ Register

Todd Kratzer – DRBC has a definition for existing water quality which the State uses. We are currently reevaluating this information. There are two components of it: one defines existing water quality; the second is how you allocate and assess the changes in water quality.

Pat Matarazzo – at the EPA Regional II annual meeting, despite to the contrary in the past, they are now pushing nutrient trading. EPA is now looking for processes around the regions where trading will work. Moving in this direction will be a good change for us.

Kerry –( introducing Larry Baier, Director of Watershed Mgmt.) There were questions asked at the last meeting about the status of the Watershed Program relative to the Rules. Also, there were questions as to the relationship of the Rules to the Big Map proposal and how they currently fit in.

Larry – We are looking at a rewrite of the Water Quality Management Planning rules in an attempt to implement the Big Map. One of the reasons the WQMP rules makes sense for the implementation of the Big Map is because it cuts across all the Department's permitting programs. In that our statutory authority basically says that the Department is not supposed to issue any approvals that are inconsistent with the Statewide Water Quality Management Plan or the area wide Water Quality Management Plan. So if we adopt the Big Map and Rules as part of Statewide Water Quality Management Plan, then we have instant applicability through the Department's permitting programs. To require a Department permit they would have to be consistent with the Big Map. The Commissioner's charge to the Division has been for the environmentally sensitive areas. What used to be red light areas are now environmentally sensitive areas, yellow light areas are the fringe areas, and green light areas are smart growth areas. The Commissioner's charge to the Division was to come up with very clear standards by which applicants and applications can judge their consistency with the Big Map. And particularly in the environmentally sensitive areas, the Commissioner's charge was to come up with a density of development that would be allowable and would be protective of the state's water resources. We looked at a 3-legged stool with Water Supply being one leg, Nitrate dilution and groundwater quality being the second leg, and non point source pollution being the third leg. Based on research done, impervious cover seemed to be a pretty good driver for non point pollution. A lot of literature indicates that at a 10% impervious cover we start seeing impacts with regard to the biological integrity of our streams, both here and other places in the country. One of the things we are looking at, is to limit the extension of sewer service in the environmentally sensitive areas. Essentially, sewer service will be available for smart growth, meaning cluster development, probably some sort of COAH. Most of the development in these environmentally sensitive areas will be on well and septic. That is why the nitrate number becomes important. The variability in groundwater recharge rates around the State are going to drive the water supply and nitrate dilution parts. We would like to come up with one density to cover the State, so we are looking at gross averaging. That will be difficult because it has its own

sets of limitations. Looking at the environmentally sensitive areas, the one thing that seems to hold true, is that the percent of impervious cover wants to be the limiting factor for setting an overall density almost everywhere. We are now thinking of a 3% impervious cover and allow a threshold. That may protect the 10% threshold that we do not want to get above in the environmentally sensitive watersheds.

Pat Matarazzo – One of the things CWC asked the State to look at was unused allocations from the water supply side. Another was on the wastewater side. Several small plants could be converted from surface water discharge to groundwater discharge as a recharge unit.

Larry – In terms of water allocation, it's possible in the environmentally sensitive areas that we limit where we supply public waters and public water supply systems, for instance, to smart growth centers, cluster developments, environmentally sensitive areas public projects and things of that nature. Whatever allocation is unused will either remain unused or the State will withdraw it and you will have water passed downstream for other users.

Ray Zabihach – I have a question on the 10% impervious cover. If the stormwater rules are adopted and all new development in the sensitive areas get put into place and with a variety of BMP's and 100% infiltration, will that change the 10% impervious cover. Would it not go up?

Larry – I assume you are referring to the hydro modification analyses and recharge of the two year storm. Certainly, the intent there was to eliminate impacts on the receiving water. Time will tell whether or not we are successful. Engineering solutions tend to fail over time.

Ray Z. – If the results of the BMP's put in improve water quality, will we be stuck with the 10% impervious cover? If you are going to cluster, you are going to create a lot of nonpoint source pollution, so those BMP's better work! Our goal is to improve water quality, not to impose a 10% restriction. You will have to be more flexible.

Larry – I'm not settled on that number yet. The environmentally sensitive areas aren't based solely on the water quality parameter, a lot are based on the Landscape Act (T & E, habitat) so there is a need to still protect the resources in that habitat, even though we may manage to improve the water quality. Secondly, the Commissioner wants to make the process predictable, so that people would know what to expect.

Marybeth Koza – I recommend that we should have the ability to do site specific analyses for development similar to EQ109, based on a subwatershed. Some of those studies would help the process. The other important issue is the use of Beneficial Reuse. We heard that loud and clear at our Public Hearing.

Larry – I like that recommendation. The difficulty with wastewater reuse is the variability around the State. Clearly, on a coastal plain it makes sense, but not in the

northern area. It's just not cost competitive. Part of the issue we are working with now, is how to try and make it more cost competitive and convince people to accept it. Right now water is too cheap.

Dan VanAbs – I'm not sure a single number statewide is going to do more than damage cold water areas because you are protecting warm water areas. I've read that there is no impervious threshold. There is a range around an average that seems to indicate an impact. If you set 10% impervious cover, I suspect over a period of time, you will lose a good number of your trout production streams.

Ray Z. – Maybe the area of delineation should be watersheds. Each watershed has a unique footprint and unique characteristics. If you use watershed as the defining level on how you apply these various factors, it would make a lot more sense.

Larry – We made that point to the Commissioner already but were unsuccessful. I agree with your 10% comment on impervious. There is no right number. It's very gray.

Ray Z. – Let the circumstances dictate what needs to be put in, through the sampling, the science, etc. Impervious is a water quality issue. The conditions that exist should dictate what that impervious level should be. Make sure it's flexible. We had a County Planners meeting and discussed the cross-acceptance process. It's on the way.

Larry – Doing that analyses on a site by site basis does not necessarily get you a watershed average. To me this plan endorsement, cross-acceptance type process feels like the right way to do it. At least I'm looking at it regionally and am not involved in a site by site argument over what the standard should be.

Marybeth – do site by site analyses on a larger site, say 100 acres or more.

Dan VanAbs – Good point. Make it stringent enough for those who feel a need for a better answer and are willing to put the money forward, but not so stringent that their first reaction is to go to court.

Tony McCracken – We need to look at that variability and look at the real science. One kind of standard will take us into court.

Helen Heinrich – At a conference I attended, EPA seemed to be interested in pushing on-site wastewater treatment. Will DEP put out new rules to encourage that kind of thing?

Larry – I'm not sure. In terms of the WQMP rule, we will only allow package plants for things that qualify as cluster development.

Pat M. – DEP needs to look at the California Plan on Beneficial Reuse.

Larry – They needed to look at water reuse because water was very high in cost. Other reasons drove them to do reuse. We need to be more cost competitive here.

Larry concluded his presentation and commented that he would work Marybeth's suggestion on site specific analyses for development into his presentation with the Commissioner.

Kerry – We would like you to consider the role of the CWC as it relates to helping you develop rules and response to issues. The CWC would like to be more involved in major initiatives, beyond their annual Public Hearing. We would like to know how to integrate with you more effectively and efficiently.

Larry – I will be glad to take any suggestions.

Pat introduced Barbara Hirst, Manager of TMDL for the State of NJ. (Please see attached presentation) Question and answer period followed:

Helen Heinrich – The Agriculture Farm community is concerned about the phosphorus and fecal coliform coming from the towns. Are you going to let the towns take this level of information and enforce them upon everyone in their jurisdiction, or will you hold them back and wait for a more definitive reading?

Barbara – Phase II Stormwater rule has a provision that if a TMDL is adopted and says things need to be done in order to meet water quality standards, that would become part of the stormwater permit for that municipality. There is nothing about these TMDL's that will force the municipality to do anything other than what is normally required to do under the Stormwater Phase II Program. We fully expect those measures dealing with pet waste, cleaning out stormwater outlets, street sweeping and wildlife (geese) will go a long way in addressing fecal coliform. We need to get our watershed partners to help us deal with goose related problems. It is a big problem. When we get into the implementation stages and we are not showing the results we need, then there might be more detailed implementation activities required.

Helen H. – We are more concerned about the 90% reduction in phosphorous. There is no specific information on this.

Barbara – These TMDL's as regard to phosphorous, intend that the more detailed characterization studies will occur before we come up with the scenarios for actual reductions in different geese.

Pat M. – The phosphorous in the stormwater regulations is a narrative standard, while our normal instream surface water quality standard is a numerical. We need to have that jive! It should be the same on both sides.

Barbara – I am aware of that, but do not have an answer for you.

Ferdows Ali – I'm bringing up the goose problem again. Even if the farmers implement the BMP's, the problem will still be there. It is difficult to get cooperation to solve this problem.

Barbara – The problem is the public's perception of the geese, they think they are cute. We need to reduce the population in NJ by half. However, we need community support. It would take years for geese population to go down. We have 319 money to deal with the habitat modification. We are hoping our watershed partners will help us in getting the community's support. In big problem areas, the best thing would be to do an immediate numbers reduction and then follow through with a habitat modification and nest destruction.

Pat M. – EPA has rescinded it's own TMDL. It's in the process of now reissuing a new TMDL protocol. The two main points being stressed out of Washington strongly suggests that they reevaluate their designated uses and that they consider doing a use attainability analyses up front of the TMDL implementation process. Will you be incorporating these into any of the protocols that you are developing for TMDL's now?

Barbara – No not yet. The standards that are common in many states are not necessarily the right numbers to achieve the intended purpose. As we approach a situation where the fecal loads are by in large not human in source, we should revisit those standards.

Pat Matarazzo introduced Fred Sickels, Chief of the Bureau of Water Allocations for the State of NJ. Fred announced that there was a new administrator to Water Supply, Michele Putnam. He felt she was an excellent choice and they would work well together. Fred would answer the following questions raised by the CWC:

1. How long does it take to get a water allocation permit?

Answer: About 15 months for a normal permit. Those that have hearing requests associated with them, because you have to review transcripts, would take another 6-7 months longer. I would like to see us get new permits and permit modifications out in 8 months.

2. How many permits are pending?

Answer: As of last week there were 175 in house to be processed. About 125 of these would be considered backlogged.

3. What is the cause of the delay?

Answer: The Permit Extension Act did not help. All 750 permits came up at the same time putting the program staff in a bind. There was also not much of a push to have actual workplans and time lines for permit reviewers. I have now instituted workplans whereas there is an expected draft report due in a certain month. If there is a problem, the reviewer either solves it himself, or if it is a policy issue, comes to me with it.

Sometimes the permit application gets dated and things might have changed and sometimes rules have changed. I go over the list of permits with the reviewer at least once every quarter. We also had a staffing problem. We were short staffed because of retirees, etc. We are also now trying to stagger permits.

4. Is there a greater permit backlog in one geographic area versus another?

Answer: Frankly none of them are significant. Two areas with the most backlogged permits are Gloucester Co. and Ocean Co. Probably, the reason being that they are big growth areas. Another point of interest is that Cape May has the Gibson Bill. This Bill will not allow them to allocate any water in Cape May Co. until a study has been completed. We can issue some permits if we show it does not accelerate saltwater intrusion and there are no ecological impacts. The backlog is fairly spread out except for Union and Warren Co., who have zero backlog.

5. Who is the public contact for water allocation permit issues?

Answer: I guess that would be me. I can be reached at 609-292-2957.

6. Are permits being written to include an enforcement component?

Answer: There are conditions in the permit. Nothing has really changed except that there are criteria and standards that you have to meet. We have not changed any of the enforcement language. There is an increased focus on enforcement. We need to have a stronger presence. People that are doing things right should be protected by enforcement.

7. What is the breakdown of the type of permit e.g. residential, golf course, industrial, commercial? Can we get this info on NJEMS? Can the public access this?

Answer: The breakdown of permits out of 750 of them are: 353-public supplies; 128 – golf courses. All others are spread out in lower numbers.

Helen H. – How about Agriculture?

Fred – Agriculture gets Agricultural Certification, not Water Allocation. There are about 1500 Agriculture Certifications. Even though it's a large number, Agriculture uses only about 2-5% of the water allocated.

8. Are there new rules or a new process that is contributing to the delay of allocations?

Answer: No new rules currently. We do see some direct connection with diversions in certain parts of the State with the ability for a wetlands to remain viable. No new rule but it's something we are looking at. I'm working more closely with Land Use Regulation, who regulate wetlands and streams in the State and Coastal region.

9. A question arose about a golf course named Deerwood Country Club, in West Hampton, about two miles from a wastewater treatment plant. Would there be

opportunity for reuse there and who coordinates or proposes beneficial reuse on these types of applications?

Answer: That golf course has been in operation since 1994. We are working with Watershed Management, (Gibson study) and we are trying to incorporate a lot of their issues into our permitting process, so that when we issue a permit it does fit into a bigger picture. As far as reuse, I think, long term, it will be good for the State. We are looking into whether some of the golf courses have opportunity for reuse and are near treatment plants or a main line. If there is an unused portion of water, and no projected future need for it, we can certainly pull back some of that allocated water upon renewal. I would really like to read the California Plan on reuse you were previously talking about. I need to look at an economic analyses.

Kerry – We have a copy of that. Ursula will get it to you.

Dan VanAbs – There are still, in NJ, opportunities for structural water conservation. We could do a lot in improving our water supply situation by knocking down our summertime peaks, which are primarily lawn irrigation. Water conservation, unlike reuse, is almost routinely cost effective and that is a critical issue. In terms of reuse, I think the Florida program is the closest to where NJ is going to be. They made reuse cost effective by simply eliminating the other options. They declared certain areas as water supply critical areas. That put people right up against it so that they had to deal with reuse and they did.

Fred – You have to think of what incentives you will need to make it attractive.

Amy Goldsmith – Are you able to take conservation or certain drought condition restrictions or beneficial reuse and write them into the permits, or just be more aggressive about them?

Fred – I agree that we can be more aggressive. We are doing some things now. We are looking at unaccounted for use. More metering, so users are paying for what they actually use. I don't see why we can't put more specific conservation methods in the permits and that is something that is cost effective.

Kerry – We have finally received the transcript from our annual Public Hearing which was on Beneficial Reuse this year. After a subcommittee conference call with Pam Goodwin, Marybeth Koza and myself, to discuss the transcript and comments, Marybeth put together a summary of the comments and concluded with the theme of the comments and suggestions of next steps. Please take a look at that summary.

**Action Item:**

Marybeth – Pam, Kerry and I thought because there was such a diverse group that supported reuse, and because we are such a diverse group, the next step would be to come up with 2-3 key points in relationship to the theme. We would then comment on these and actually submit that package to the Commissioner in support of this process. We would like to divide the themes into two or three groups and develop some specific recommendations using the transcript, written comments as well as technical expertise.

Kerry – We will forward this summary to all CWC members with recommendations on how to proceed. They can then come to the July 8<sup>th</sup> prepared and decided upon what issue they want to take on. Marybeth is proposing that, rather than the Council send a letter out, we would take issues and come up with concrete recommendations of what the program would look like, what the subject would be, who the people involved would be, etc. Another item of interest – I went to a Water Supply Advisory Council meeting last week and they are very interested in working with us to develop joint recommendations. So I will be forwarding the summary, as well as the transcript and written comments received, to the Chairman. They will work with us on putting together a comprehensive package for the Commissioner.

Meeting was then adjourned.



**CLEAN WATER COUNCIL MEETING**  
**Meeting Highlights**  
**September 9, 2003**

**Location:**

NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike,  
Lawrenceville, NJ.

**Attendees:** Pat Matarazzo, Kerry Kirk Pflugh, Russ Furnari, Dan VanAbs, Amy Goldsmith, Anthony McCracken, Lou Mason Neely, Ferdows Ali, Barbara Rich, Carmen Valentin, Ray Zabihach.

**Discussion of Joint CAC/CWC Meeting**

Kerry commented that the joint meeting would be held here at the Infrastructure Trust at 10 am, on October 14<sup>th</sup>. CAC would like to meet before our regularly scheduled meeting to do some business. Kerry forwarded agenda items to them, based on discussions held at our previous meetings, and Sonja Evans, CAC liaison, had no problem with them. They are also thinking about providing refreshments for all of us.

Pat Matarazzo – Do any of the agenda items cover anything about the new announcements that the air/smog ratio in N.J. is the worst in the country?

Kerry – That was not one of the proposed agenda items when we were working on them, but I think that is something that we can discuss.

Pat M. – Were there any other items we wanted to add to the proposed agenda items? We already have the PCB controversy.

Russ Furnari – Mercury. The new rules should be coming out. The deadline in the outline of the Mercury Task Force Report states if there is not a Federal rule by 2003, that New Jersey would propose it's own Mercury rule.

Lou Neely – What was the guiding force to meet with the CAC and what do we expect to accomplish by having this joint meeting?

Pat M. – The idea was to start setting a precedent that the Councils will meet and become more familiar with each others functions and somewhere along the line have joint meetings with all the Councils, meaning Water Supply Council as well. If there are issues that we can all work on together and then present to the State as one joint

document coming from all the Councils, supporting or not supporting a specific area and making joint recommendations. Plus the fact that we can share information and keep a more open connection going.

Kerry – To add to the above, we may want to explore whether these related issues warrant, or could be, a topic for our Public Hearing.

**Public Hearing Comment Report:**

Kerry asked if everyone picked up a copy of Jim Grob's update as it related to Regulatory process and comments received from the CWC April Public Hearing. He gave a status report on where the program is and it appears that the next section is recommendations in response to some of the comments that were received. Russ Furnari has written and submitted to us a rough draft of a letter he proposed in response to comments. Russ and I were just discussing about taking Jim's recommendations and integrating it with some of ours and finalizing it to be forwarded to the Commissioner. Maybe we could get copies of the powerpoint presentations by the speakers at the Public Hearing to use as the appendix. Also it would be useful to forward this to the WSAC as well as the Reuse Subcommittee. Then once this is submitted we could put it up on our Web.

Amy Goldsmith – There should be a correction in the way the last paragraph of Jim's report should read. On page two, the last line reads "designed" growth areas. In both places in the last line, it should read "designated" growth areas.

Barbara Rich – Had a question on the last sentence on page 1 that reads "No permit applications, or permit fees will be required of a wastewater treatment facility to begin reclaiming water for beneficial reuse." There should be prior discussion on how much can be withdrawn from a discharge to a stream. You just can't assume that a wastewater treatment plant can reuse water without knowing the quantity.

Russ – That's another one of the statements I put in the draft letter. (base flow)

Barbara – The other question was concerning the last line on page 1 (second set of pages) which stated "Listed below are recommended policy and regulation changes that need to be considered to elevate the RWBR effort from an initiative to a viable program preserving/conserving the state's potable water supply and assisting the Department with its overall water resource management." At the meeting the other day, there was no response to the fact that some policies are being invested in DEP. If that is the case, why would we be involved?

Lou Neely – The fourth paragraph states that the Department's Technical Guidance Manual for Reclaimed Water for Beneficial Reuse is no longer in a draft format. Does that mean it is now a final format?

Kerry – Yes, it is on the Web.

Dan VanAbs – In the second set of pages they referenced a RWBR Task Force. I’m not sure what Task Force that is, external or internal?

Kerry – I’m not sure either. I will discuss this with Jim.

Russ – We need to move ahead and incorporate some of the things that Jim has recommended in his report with our letter of recommendations. We would also be showing that there is cooperation between our Council and staff.

Kerry – Russ and I will get together and finalize the letter and share it with everyone.

Russ – Suggested that the Council read his draft and comment on it. We should also e-mail it to Jim Grob and the Water Supply Subcommittee for their comments. We talked about working on revising the Statewide Master Plan. Each topic we would work on at that particular time, could be the topic for our Public Hearing for that year. In this respect we are working on something the Department wants.

At this time the Council opted to read Russ’ rough draft while waiting for Larry Baier to come and discuss the charge for the Council. It was brought up that there should be a better definition for “Reuse”.

Amy Goldsmith – There are concerns being raised about unregulated contaminants showing up in surface waters and pharmaceuticals and about the perpetual recycling of water for sewage treatment, drinking water and back out again and the constant turnaround. This brings up the health issue. We haven’t had an outbreak of some disease because of current practices, but there are concerns being raised.

Lou Neely – The point is that we are suggesting Reuse is going to be the tool we look at for use in the future. We need to consider water reuse along with drought management to better handle future drought problems.

Pat – made a suggestion at the meeting with Larry Baier that when each discharger’s permit (5 year cycle) expires and if they will be using reuse as a factor, maybe some plants can be upgraded and designated for beneficial reuse purposely and have that incorporated in these permits. However, it would not be practical for all plants. Those too close to a fresh water intake would not benefit from it.

Russ – I pointed out to look to a new perspective in the water budget.

Lou Neely – Moved to have a subcommittee look into the results from the meeting.

Ray – seconded it, motion voted on and passed.

**Larry Baier – charge for the Council:**

Kerry – A few of the members met with Larry Baier last month to discuss the proposal the Council had put together and to go over points in the Statewide Water Quality

Management Program Plan (SWQMPP) summarized by Dan VanAbs, that have yet to be addressed by the Department. Dan identified sixteen areas and suggested as a Council, we take on some of these issues, maybe one or two a year, and develop white papers on them and then forward them to the Department with suggestions for various actions, policy discussion and so forth.

Larry – It's very important to get an outsider's viewpoint. That's why your opinions are so important. The impediment of reuse is the cost factor. It is cheaper to pump water out of the ground than it is to treat wastewater. One of the things the Department has been discussing is how we can make this cost effective. Either through regulatory means or price structure. I would like to see this Council come up with suggestions on how to make reuse cost effective.

Ray Zabihach – Supply and demand curve. With declining ground water supply, it will start going up in price.

Russ – Extreme weather patterns have been the norm lately which hinders planning.

Larry – Another future direction, and one I would like the Council's opinion on, is more on site treatment and discharge. That is, putting the water back into the ground. I'm very interested in hearing from the Council their ideas on not only protecting water quality but also water quantity.

Russ – From a construction in development point of view, there is a lot of on site treatment technology that now makes reuse more feasible and economical and at the same time able to meet the standards.

Lou Neely – Larry is there a list of items you would want the Council to look at?

Larry – I do not have a list, just some thoughts. The Statewide Water Quality Management Plan is in desperate need of being updated. The changes in how planning is being done needs to be addressed. How do we get all the different components of Watershed Planning integrated into one comprehensive plan that addresses all issues at the same time. For example, doing on site wastewater recharge as opposed to the regional systems. What are the pitfalls, etc.?

Lou Neely – If you can formalize a specific list, the Council can choose what to talk about at our next meeting.

Larry – I will try to get it to you in advance of your next meeting.

Tony McCracken – It can't be something that is applied statewide.

Ray Zabihach – If we want to do certain things with the environment, then we must have a goal. Then we have to ask what would prohibit us from reaching that goal. The

regulatory process is a major impediment. We should work on changing this process to encourage projects to meet their goals.

Amy Goldsmith – In our meeting with Larry, we talked about the stormwater regs that will be coming out and that there might be a role for this Council to play in how to make these regs become active. The other point brought up was the monitoring gap. Maybe this Council could help in that area.

Larry - I was previously not that familiar with this Council, so I did not know what you would be interested in doing for the Department. It seems you want to take a more pro-active role. I have many issues under consideration. The whole issue of Wastewater Management Water Supply for smart growth is a big issue. We want to make this process easier. On the environmentally sensitive side, we are trying to roll back the sewer service areas. What is the impact of rolling that back along the financial structure of these wastewater treatment plants?

Kerry – I want to share with those who could not make the meeting with Larry in August, a few of the issues that I wrote down that were discussed as possibilities.

- One issue was the whole density issue and what is the approach that should be used.
- Regional Stream Corridor Protection Plan – how do you do it?
- Buffering to meet local ordinances
- No guidance on how to review stormwater plans – what should the review process be?
- How to plug the gap in the statewide monitoring network – How to integrate the Volunteer Monitoring Program (which my office is coordinating). – What are ways to do that?
- The Water Quality Management Plan Rule – how the Council wants to look at the development review of the Rule that is in progress right now.
- Must get Audit Report from Larry to distribute to the Council

Tony McCracken – What we hope to provide is a wide array of public and private interests that the Department has to deal with when they put a rule out.

Larry – The strength of this room is the fact that you do have such diversity and expertise to offer.

Ray Furnari – explained how the Council becomes a lead on an issue, reaches out to its Technical Advisory Committee, comprised of colleagues who are expert in their fields, who then also reach out to other experts in that field for their expertise in order to reach a coordinated conclusion.

Tony McCracken – The Council will act as a buffer. If it is not worthwhile, we will not bring it up to you. This way you will save time in not having to deal with that issue.

Pat Matarazzo – One the problems that seem to recur often is that of conflicting regulations. Probably because there are so many of them. It may be a good idea to come

up with a work plan that will have the regulations work with one another instead of against each other.

Tony – The Water Quality Management Plan is where it all fits right now. Is what's coming out that much different than what we saw before?

Larry – No, it hasn't changed very much. The difficulty in crafting the rule has always been making it predictable, which requires the simple approach, and making it equitable, i.e., taking into consideration the varying ability in different places in the state. Those two things do not work well together. At this point, if we intend to capture the number of projects we plan to do, predictability and ease of application are probably more critical than the equity. Then the equity issue would have to be dealt with through a more detailed plan done at the local level and then submitted to the Department. The goal is to have the rule proposal done by the end of the year.

I would like to challenge the Council to report anything that the Department should be doing that it is not, based on conflicting regulations, to me. I would like to hear about it.

Pat – We are a tool that is willing to be utilized. Please feel free to use us.

Larry thanked everyone for inviting him and the meeting was adjourned.



**CLEAN WATER COUNCIL MEETING**  
**Meeting Highlights**  
**October 14, 2003**

**Location:**

NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike,  
Lawrenceville, NJ.

**Attendees:** Pat Matarazzo, Kerry Kirk Pflugh, Amy Goldsmith, Pamela Goodwin, Helen Heinrich, MaryBeth Koza, Todd Kratzer, L. Mason Neely, Pat Pittore, Carmen Valentin, Dan VanAbs and Ursula Montis.

Pat Matarazzo moved that Council approve the minutes. Lou Mason Neely seconded the motion. Motion was passed.

Pat Matarazzo announced that Larry Baier was to speak to the Council concerning the charge to the Council, but was not able to make it today. The charge will be asking the CWC to address the issue of Water Quality Trading and Community Owned Treatment Works and to come up with ideas and recommendations for these issues. A memorandum from Larry, explaining the charge, was passed out to all present. It was also e-mailed to all the CWC members prior to the meeting.

**Public Hearing Comments:**

Kerry – Russ Furnari had revised the original draft and we will send it out to all CWC members for review. We are also putting together the addendum, which includes the Hearing transcript, the written comments and the four presentations from the speakers at the Hearing. We forwarded the letter to Jim Grob who will comment and make sure there are no inconsistencies.

L. Mason Neely – Because of time constraints, he suggested that we take the comments, put it into final format, approve it, have Pat sign it and send it out.

Pat moved to do so. L. Mason Neely seconded the motion. Motion passed.

**Joint Meeting with CAC**

Pat – Our next CWC meeting is on November 18<sup>th</sup>. Most of us will be at the League of Municipalities Conference on that date. December 9<sup>th</sup>, the scheduled meeting after November, would be a more realistic date to suggest to the CAC for the joint meeting.

L. Mason Neely – suggested that when we do meet with CAC that we ask them to be prepared to address their annual report on MTBE's (gasoline supplements they put into gas to make it burn cleaner). It is a major problem in the water and one of the biggest pollutants. We had recommended two years ago that the State stop using them. They are showing up in every groundwater and reservoir system. It would be interesting to hear why it was not mentioned in their annual report and what their thoughts are on this subject, since Congress has decided to subsidize it again.



Pat – do we want to change our November meeting date?

After discussion, it was voted on to cancel the November meeting.

MaryBeth Koza – Larry has given CWC a charge. If we cancel the November meeting and have a joint meeting in December with the CAC, when will have time to work on the charge?

Pat –Probably not until January. It would have to be a project for next year's agenda.

MaryBeth suggested that we get a subcommittee together to look over the literature and examples that exist for Water Trading and then report back to us. There is a lot of data to digest before we can make any recommendations for this charge

Pat – It is good idea to get a group together to discuss this. I do not see any of the Trading scenario coming to light until the TMDL rule comes out of Washington. So nothing is really going to move until next year.

MaryBeth – Will this issue of Water Quality Trading that they have asked us to consider have an impact on the Water Quality Plan Amendment that will affect smart growth?

Kerry – this will not be a part of the rule that they are working on, this is a separate issue.

Pat – participating in the process right now is making sure that we have a voice at the table. We are involved in the rewriting of the Water Supply Master Plan, as a component dealing with use, reuse and the trading program.

L. Neely – subcommittee should be charged with the goal of figuring out what the code words are. I can see the following:

1. To figure out what the code words and the “real goals” are as opposed to the philosophical statements..
2. What is the real charge?
3. What is the process that they look to follow?
4. What is the criteria used in monitoring or trading?
5. What is the timeline?

MaryBeth – I thought we wanted to revise the Statewide Water Quality Management Plan?

Kerry – After discussion with management, it was felt that the issue of more concern right now, was that of the trading issue. Can we have a call for names for this subcommittee? I will get in touch with the subcommittee members and set up a meeting with them.

Members suggested Jim Cosgrove, Pat Matarazzo, MaryBeth Koza, Dan VanAbs, Barbara Hirst, Ferdows Ali and Kerry Pflugh for the subcommittee to study the data on Water Quality Trading and come up with recommendations for the Department.

Kerry – asked Amy Goldsmith if she was interested in being on the subcommittee for Water Quality Trading. She also stated that there is also a project through the Eco Complex and Rutgers, that Mike Dimeno is coordinating, and has to do with Water Quality Trading. The subcommittee would bring back information and ideas at our January meeting.

Amy accepted.

Kerry – called for any updates from the members that they would like to share with the Council.

Helen – (Farm Bureau) We think that the Governor will sign off on the KREP program, which is a conservation reserve enhancement program. It will provide money for riparian buffer establishment on private land. It pays for the cost of the design and installation of the buffer as well as the maintenance of the vegetation. There is also a rent paid to the farmer to make up for the loss of productivity of the land used for the buffer.

Todd Kratzer – DRBC is looking at data from the lower Delaware, which is from the Delaware Water Gap down to Trenton. We are looking at data from 2000-2003 to be used for developing antidegradation targets, so that the criteria will be developed simultaneously with the data analyses.

Pat – In respect with the Lower Delaware, and concerning PCB's, the Upper Hudson is also looking at implementing some kind of remediation. So I see PCB activity occurring on the Hudson and on the Delaware. Looking at the reports that are coming out of the Harbor Estuary Program and looking at the impacts, we may be looking at TMDL processes going up the Passaic or maybe even into the Raritan, dealing with PCB's in the sediment.

Dan VanAbs – The Stony Brook-Millstone Watershed Assoc. and the Water Supply Authority have received a million dollar commitment from the EPA from their Watershed Protection Initiative. We plus DEP will be matching that with a little over a million dollars, so it's a two million dollar project over a three year period. It will be focusing on three areas: the Millstone Watershed,(where Stony Brook meets); the Somerville area,(all the area just upstream of the Elizabethtown Water Co. intake) and the So. Branch of the Raritan, upstream of our reservoirs. We will be doing some stream restorations and stormwater management work, a lot of work with municipalities on improving their internal masterplan, development review and redevelopment approaches. Also, a fair amount of work will be done with stream front property owners, taking out Stony Brook's River Friendly Program out to them. This program will reach out to river friendly residents, schools, golf courses and businesses. The whole idea is to work with them to lessen the negative impact of those property uses. Basically, they want to get

people to back off the streams and reestablish buffers. The hardest part is reaching the individual homeowner. How do we do that?

MaryBeth – You might want to work with the Riverkeepers and Project WET through the municipalities to get the word out to the homeowners.

Pat – There are two new lists of upgraded C1 streams coming out of the Governor's office. I have heard that all streams in NJ, that are in old planning area five, which is the pristine planning area, are being looked at for C1 status. There seems to be a lot of movement towards putting more streams into that C1 category process.

Pam Goodwin-I live on a stream and those in the area would like to have more information on the impacts of development, etc. I would be willing to organize a town meeting and maybe see if we can get someone to come and speak to the people on how to go about protecting the stream and environment.

Dan – Stony Brook, under the new project, is going to be hiring a full time person who will be doing nothing but River Friendly program. So get in touch with them. I think the materials are up on their website- [thewatershed.org](http://thewatershed.org).

Carmen Valentin – Concerning our previous discussion about having a course on municipal land use law, I had contacted Rutgers and they said they do not have that course. I told them that we would be interested in developing one and that they need to get back to me and let me know what we would have to do. I spoke with Allison.

Kerry – I will try to follow up with Allison on this. This is something we could do through our education contract with Rutgers.

Koza – ANJEC may be able to help.

Dan – NJ Planning Officials run a routine program on land use.

Kerry – Nov. 7<sup>th</sup> and 8<sup>th</sup>, at the Clarion Hotel in Edison, the Department along with the Watershed Watch Network, will be sponsoring its first Volunteer Monitoring Summit. We will be unveiling, at that point, our tiered approach to data collection and volunteer monitoring. It will be an opportunity for volunteer monitors throughout the state to come together and share information and talk about data management, QAPPs, (quality assurance project plans), and the various protocols that are available, what they are used for and what their objectives are. The Commissioner has been invited. We will e-mail the flyer and information to all the CWC members.

Our new AmeriCorp Ambassadors, at this time eighteen of the twenty, are in place at their Host Agencies. They have completed their intense two week training program. I will have Christine Hirt, who is the AmeriCorps Ambassador coordinator, complete a list of their names and contacts and get them out to all of you. If you should have a need in

your area for any kind of education program or speaking on the environment, you can reach out to your Ambassador.

On the matter of the names for appointment to the CWC membership, I spoke with Gary Sondermeyer and he said that the list I gave him went to the Governor's office two weeks ago.

Ursula and I will be reaching out to the subcommittee members to set up a meeting and we will see if Larry can come to the January meeting.

Lou Neely – If the subcommittee comes up with something, I would like to see it before the meeting with Larry.

Kerry – OK

Pat – asked Kerry if she knew what the tentative dates were for the completion of the Stormwater Rules, Amendments and Surface Water Quality Standards?

Kerry – No, I don't. But I do know that everything has to be finalized by January 6<sup>th</sup> otherwise they expire.

Pat – One of the things I am finding both interesting and alarming is the fact that on a municipal level the question I am asked by the Mayors and Councilmen, is if the Stormwater rule will have anything to do with them. The word that has been put out there, is not sinking in at a municipal level at this point. They feel it will be politically pushed off and they will not have to deal with it. I will be speaking at the League of Municipalities Conference, Nov. 19<sup>th</sup> on Stormwater. The municipalities will have to pay important attention to this, otherwise they will be in trouble.

Meeting was adjourned.

