

NEW JERSEY CLEAN WATER COUNCIL

January 11, 2005
Meeting Highlights

Location:

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

Attendees:

Members: Pat Matarazzo, Dan VanAbs, Russ Furnari, Lou Mason Neely, Pat Pittore, Ray Zabihach, Ferdows Ali, Steve Lenox, Tony McCracken, Ray Nichols and Ursula Montis.

Others: Barbara Rich, Julia Barringer(USGS), Jim Lanard(FLG Strategies LLC), Amy Soli(TRC Omni) Lois Voronin(USGS)

Meeting convened by Chairman Pat Matarazzo

MEMBERSHIP MATTERS:

The Chairman welcomed the newest member to be appointed by the Governor, Steven Lenox. He represents the AFL-CIO, as a Legislative Affairs Coordinator, who is completing a term that expires 7/15/05. Russell Funari, who represents the Chamber of Commerce, has also recently received a letter of appointment from the governor's office, with a term that expires 7/15/06. DEP has resubmitted the names of the other members whose terms have expired, to the Governor's office.

DISCUSSION OF OCTOBER'S PUBLIC HEARING

Consensus was to transmit the transcript of the hearings to the Commissioner, with an Executive Summary, together with Dan Van Abs' one page summary that was distributed last month, and a cover letter. Dan suggested that there also be a listing of the questions and the page number where the discussion of each question starts.

It was noted that enforcement inspectors for DEP have been conducting Compliance Assistance visits to municipalities to discuss their progress in complying with the Stormwater Management General Permit conditions. During these visits, the inspectors have been distributing Compliance Checklists which identify what things they will be looking for in the coming months as the deadlines for the municipalities to have completed certain conditions passes.

Russ Funari wondered if these checklists will be provided to the counties in sufficient time to enable the counties to use them to review the municipal plans?

Ray Zabihach noted that a white paper on Stormwater Management issues was recently handed out at a meeting of County Planning Officials.

Dan Van Abs announced that the Municipal Land Use Center, which is based at the College of NJ, will be holding a half day training program on certain parts of the new Stormwater Rules. The program, scheduled for Feb 17, 2005, at the Holiday Inn in Jamesburg, will focus on a few

facets of the rules that are causing concerns. These include: how to do a build-out analysis, and what must go into a Stormwater Mitigation Plan.

In a related matter, Pat Matarazzo noted that the Verona STP, since it treats over 1 million gpd, is now required to have an Industrial Stormwater Management General Permit for that facility, in addition to its other permits. This permit requires them to have a stormwater pollution prevention plan with a set of best management practices in place that considers stormwater runoff. He noted that the general permit requirements take into account the size of the treatment plant.

Ray Zabihach: He has been telling county and municipal planners that the most important part of the process of developing a Municipal Stormwater Management Plan is the preparation of a mitigation plan. There is an assumption that the designers of new development will be able to meet the new standards for retention of runoff and removal of suspended solids on site, but that will not always be the case. The rules allow for municipalities to give out a waiver or exemption from on site compliance, but if they do so, they must have a mitigation plan in place which provides for off site compensation. In order for the process to work well, it will be necessary for the municipalities to plan for such mitigation activities before they are confronted with the need to grant variances or exemptions. Each municipality needs to have its consultants identify local potential mitigation sites.

DISCUSSION OF CO2 RULE PROPOSAL

DEP has proposed a rule change to classify CO2 as an air pollutant, so that they can address its impacts as a greenhouse gas. Pat Matarazzo had received correspondence from the Business and Industry Council that raised a number of concerns about the potential implications of this rule change. Council members discussed their concerns and realized that although it was primarily an air issue, there were possible implications for sewage treatment plants, and others. During the discussion it was pointed out that CO2 is very different from other types of hazardous air pollutants. The entire rule proposal is on the DEP web site. It was understood that the Clean Air Council was supposed to be discussing the subject with a representative of the DEP on January 12, 2005. The public comment period was extended to January 16, 2005. Pat requested that the Council members get a copy of the Clean Air Council's minutes so they could learn what was discussed there. He would also like someone from DEP to come to a meeting of the CWC to discuss the implication of this rule proposal.

MTBE FOLLOW-UP DISCUSSION

Assistant Commissioner Samuel Wolfe is now scheduled to attend the February 8th CWC meeting to follow up on the MTBE discussion initiated at the joint CAC/CWC meeting. The MTBE subcommittee will postpone its meeting until after the Council has heard what Assistant Commissioner Wolfe has to say.

PRESENTATION BY JIM LANARD

During a lull in the discussion on MTBE, a visitor, Jim Lanard, of FLG Strategies, introduced himself and asked to speak to the council on behalf of his client, Garden State Ethanol. This "start-up company" would like to construct an ethanol plant somewhere in South Jersey. Such a plant would become feasible if the State banned the use of MTBE and instead supported the use

of ethanol as a gasoline additive. He then discussed some of the political and economic considerations behind the current situation. He understands that the members of the NJ Petroleum Council are split on the issue of the continued use of MTBE as a gasoline additive. Because NY & CT have banned the use of MTBE, the refiners find themselves forced to make one blend for sale in those states and a different blend for sale in NJ & PA. They would prefer to have a regional ban so that they could market one formulation throughout the region. However, one of the firms that operates a refinery in NJ is also a manufacturer of MTBE. He noted that PA may also soon prohibit the use of MTBE. At this time a total of 17 states have banned MTBE. Senator Sweeney has introduced S-2018 to prohibit the sale of gasoline containing MTBE in NJ. He left a copy of his report with Russ Funari, who offered to scan it and send an electronic copy to all of the Council members.

DISCUSSION OF OTHER PROPOSED RULES AND LEGISLATION

Pat Matarazzo noted that, based upon unofficial discussions he has had during the past month, he understands that the bill which proposed to set a MCL of 3 ppb for Arsenic, is not going anywhere.

Incidental to the discussion on Arsenic in NJ's groundwater, members wondered about what DEP has learned as a result of the Private Well Testing Act. Lois Voronin (from USGS) noted that there is now information on DEP's web site (see http://www.state.nj.us/dep/pwta/pwta_report.pdf).

Ray Nichols agreed to try to arrange for the researcher in the Division of Science and Research who has been studying the data to come and speak to the CWC at a future meeting.

Dan Van Abs noted that last fall, the DEP proposed to recodify and amend the Ground Water Quality Standards (GWQS), updating language and outdated references throughout the rule, revising the subsections concerning criteria derivation, and updating many of the health based criteria and practical quantification levels for specific ground water pollutants listed in the GWQS based on current scientific information in risk assessment and analytical capability.

Regarding requests for DEP's positions on pending legislation, Ray Nichols reported that such positions are generally treated as confidential information, however if there are questions about a specific bill that members are currently interested in, he will be able to take such requests back to the DEP, convey the Council's inquiry to John Hazen, and report back at the next monthly meeting. In addition John had indicated that he would be willing to appear before the CWC on a quarterly basis to give them an update. Council members expressed satisfaction with that scenario. They requested information on A-3547 (Arsenic Standards) and S-2018 (ban on MTBE) for the next meeting. They also requested that Ray invite John to attend a meeting in the near future.

DEP UPDATE

Ray Nichols and Ursula Montis made the following announcements:

Assistant Commissioner for Land Use Ernie Hahn is leaving to become Executive Director of the Delaware and Raritan Canal Commission. He will be replaced by Lisa Jackson, who is currently

Assistant Commissioner for Compliance and Enforcement. Wolf Skacel will serve as Acting Assistant Commissioner for Compliance and Enforcement while they seek Lisa's replacement.

The latest issue of the Commissioner's Update Newsletter is now accessible from the DEP home page. Dated November-December 2004, it provides a very readable summary of the DEP's achievements over the past year in an 8 page newsletter format.

The Office of Watershed Education, Estuaries and Monitoring (WEEM) is setting up the second annual conference for educators to connect them with resources that can help them educate their students about New Jersey's water resources. The conference is scheduled for June 28 & 29, 2005. On the first day a variety of workshops and presentations will be offered at the Rutgers EcoComplex in Bordentown. The second day will provide educators with the opportunity to take a field trip to explore one of the many watersheds in various regions of the State.

At the annual ANJEE conference for Environmental Educators held on Jan. 7 and 8, 2005, WEEM conducted a focus group discussion with ten facilitators for Projects WET, WILD and Learning Tree, in order to learn how these educational programs might be improved. These facilitators had several years experience conducting workshops which train teachers to use the curriculum guides and educational activities provided by each of the Projects.

OTHER

Pat announced that the next meeting of the Highlands Commission would be on January 20, 2005 and that the Commission has a budget of 2.9 million dollars.

Dan Van Abs will see if Don Einhorn, the Executive Director of the SBWA, is interested in serving on the CWC.

The group agreed that they liked the new seating arrangement, whereby all the members sat around the large conference table.

Announcement:

THE NEXT MEETING WILL BE ON FEBRUARY 8, 2004, BEGINNING AT 10:00 A.M. Assistant Commissioner Samuel Wolfe is scheduled to discuss the issues associated with MTBE at this meeting. He will speak promptly at 10:00 a.m., as he has a scheduled meeting immediately following his discussion with CWC. So please be on time for the meeting.

NEW JERSEY CLEAN WATER COUNCIL

February 8, 2005
Meeting Highlights

Location:

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

Attendees:

Members: Pat Matarazzo, Russ Furnari, Amy Goldsmith, Pamela Goodwin, Ferdows Ali, Steve Lenox, Kerry Kirk Pflugh, Pat Pittore, Carmen Valentin, Ray Zabihach, Ray Nichols and Ursula Montis.

Others: John Maxwell, Clean Air Council; Karen Nowicki, Association of Environmental Authorities; Julia Barringer, USGS; Rick Kropp, USGS; Jon Bombardieri, Capital Public Affairs(Lyondell Co.) and Amy Soli, TRC Omni.

Meeting convened by Chairman Pat Matarazzo

MTBE PRESENTATION BY DEP ASSISTANT COMMISSIONER SAMUEL WOLFE

In his introductory comments, Assistant Commissioner for Environmental Regulation Samuel Wolfe acknowledged the Clean Water Council's concerns about MTBE contamination in groundwater and some lakes in North Jersey. Despite the problems associated with its use as a gasoline additive, he informed the Council that NJDEP is not actively advocating a ban on its continued use. He then reviewed the history of the requirement imposed upon New Jersey by the federal Clean Air Act (CAA) to use an oxygenate in gasoline. There were originally two reasons why New Jersey was required to use reformulated (oxygenated) gasoline: carbon monoxide (CO) and ozone. The wintertime oxygenated fuel requirement was repealed in 1995 throughout New Jersey, while the reformulated gasoline year-round program continues because of non-attainment of the ozone standard. In his presentation, he made the following points:

- MTBE has been in use as a gasoline additive for about 35 years. Originally it was used as an octane enhancer. It is now used as an oxygenate.
- The 1990 Clean Air Act Amendments required reformulated gasoline in ozone non-attainment areas. The oxygen content of reformulated gasoline results in cleaner burning gasoline (less emissions of volatile organic chemicals, nitrogen oxides and CO).
- In the 1990's, New Jersey participated in the Wintertime Oxygenated Fuels program because of CO non-attainment in certain areas of the State.
- Since then, New Jersey has attained the CO standard, but not the ozone standard. Therefore the State still requires the sale of reformulated gas on a year-round basis.
- MTBE is the most common oxygenate used in New Jersey. Reformulated gasoline is 2.0% oxygenate by weight and 11% MTBE by volume.

- MTBE is of concern because it has been detected in groundwater and drinking water in New Jersey. The taste and odor threshold for MTBE is 20-40 ppb.
- The USEPA has not finalized a risk assessment for MTBE, and has not set a federal maximum contaminant level. Therefore, based upon applicable State laws and regulations, and available scientific studies, NJDEP has classified MTBE as a “possible” human carcinogen (rather than a “probable” or “known” carcinogen – which would imply higher levels of health risks). Consequently, the NJ drinking water standard has been set at 70 ug/liter (ppb). This standard is also NJDEP’s groundwater standard.
- Usually MTBE is detected at concentrations that are well below those standards (levels that are not associated with health effects).
- It has been detected in a very low percentage of private wells since 1980’s, albeit infrequently. Of the 26,000 sample results submitted to NJDEP as a result of the Private Well Testing Act, only 48 wells showed greater than 20 ppb and, of those, only 17 wells had concentrations of MTBE above the drinking water standard of 70 ug/liter.
- Most well contamination cases are related to leaking Underground Storage Tanks (UST).
- NJDEP has just initiated an expanded enforcement effort involving 18 new county and State enforcement inspectors to who will be focusing on the prevention of leaks from fuel tanks. They will be conducting inspections of all registered USTs to ensure the owners/operators are monitoring the leak detection devices, and taking prompt corrective action if any leaks are detected. Furthermore, the Department is mounting an enforcement effort aimed at penalizing any oil or gasoline distributors who are supplying any unregistered tanks.
- Although they may not travel as fast or far through ground water as MTBE, there are other chemicals in gasoline which are much more hazardous to human health (e.g. benzene, a known carcinogen).
- If MTBE is banned, another oxygenate must be used according to CAA. Ethanol is the next most commonly used oxygenate in the State. Because ethanol is more volatile than MTBE, during the summer months its use would contribute to ground level ozone, unless the gasoline is somehow treated to lower its volatility.
- The cost of replacing MTBE with ethanol in gasoline statewide is estimated to be approximately 5 cents per gallon or \$200 million per year.
- Therefore, senior NJDEP management has concluded that to address the issues related to ground water contamination from gasoline, while protecting air quality, efforts designed to reduce fuel spills and leaks are a better focus than a ban on MTBE.

FOLLOW-UP DISCUSSION

In response to questions, Sandy Krietzman, currently the Bureau Manager for Air Quality Planning, and formerly with the Division of Water Supply, described the guidelines used by USEPA and NJDEP to classify chemicals according to their health risk: from greatest risk to least, known human carcinogen; probable human carcinogen; possible human carcinogen; no evidence of carcinogenicity; and insufficient data.

John Maxwell noted that no peer reviewed study has confirmed that MTBE is a carcinogen.

Amy Goldsmith asked if the development of more efficient, cleaner burning automobile engines might eliminate the need to require the use of reformulated gasoline in ozone non-attainment areas. Mr. Wolfe acknowledged that modern automobile engines are burning much cleaner than car engines were when the 1990 CAA was signed, thus reducing the need for the current requirement, but there is still a legal need for the oxygenate that is driven by the CAA requirements.

Noting that there were advantages and disadvantages to both MTBE and ethanol as additives, and problems with the way USEPA is regulating air pollutants, there was consensus that it made sense for New Jersey to wait until there is a federal or super-regional solution.

There was also consensus that there needs to be more enforcement inspections with a focus on preventing leaks from fuel tanks and accelerating the clean-ups of currently contaminated sites. CWC members were pleased to learn additional inspectors are now working on this task.

The presence of MTBE in some northern lakes was discussed briefly. Rick Kropp noted that it was found seasonally and appeared associated with the use of watercraft using 2-cycle gasoline engines. Someone suggested that there should be a ban on operating such watercraft on lakes that are part of the State's water supply, such as Spruce Run & Round Valley Reservoirs.

Russ Furnari suggested that a fact sheet based on Asst. Comm. Wolfe's talking points be developed and distributed to the public.

DISCUSSION OF OTHER PROPOSED RULES

In response to questions from Russ Furnari and Pat Matarazzo, Assistant Commissioner Wolfe noted that there were some glitches in the text of the CO2 Rules recently proposed. There was no intent to change the way air permits were issued, nor was there anything in the rule proposal about fees. If anyone was interested in additional details of this rule proposal, Assistant Commissioner Wolfe suggested that they attend the next meeting of the Clean Air Council on Feb. 9th, in Hightstown.

Russ Furnari noted that it appears that DEP will not adopt any surface water quality standards based upon wildlife criteria at this time, due to the need to align with the DRBC. Re-adopted surface water quality standards are likely to include a requirement to monitoring using new 1600 level analytical methodologies.

MEMBERSHIP UPDATE:

No news on appointments.

DEP UPDATE

Copies of the latest organizational chart for the division of Watershed Management were distributed.

Kerry Kirk Pflugh announced that with the reorganization of the DWM, she had been given additional responsibilities with respect to the three Estuary Programs. She will also oversee the Coastal Monitoring and Clean Shore Programs. Therefore, she was delegating the role of NJDEP liaison to the CWC to Ray Nichols, while remaining available, as needed, for policy discussions. Ursula Montis would no longer be attending the meetings, but would continue to serve as a point of contact and would distribute notices of meetings, etc.

ANNOUNCEMENTS:

Ray Nichols made the following announcements:

In response to Council members' desire to be informed on the NJDEP's positions regarding pending legislation, John Hazen, from the Office of Legislative Affairs, will attend the March meeting and provide such an update.

At the April meeting, Judy Louis, of the Division of Science and Research, will report on her analysis of the first two years of data submitted to NJDEP as a result of the Private Well Testing Act.

Ray distributed copies of the Checklists being used by the Water Resources inspectors in their visits to municipalities to inform municipal officials of the various requirements contained in the Tier A and Tier B General Stormwater Management Permits that were issued last year. He noted that inspectors were planning to conduct these informational visits in every municipality in the State. A discussion of the significance of these NJPDES Stormwater Management Permits ensued, with several people expressing concern that many municipalities may not meet the deadlines imposed by the permits to develop comprehensive stormwater management plans. Also, NJDEP has not indicated that there will be waivers of extension for deadlines mandated by the permit requirements.

Pat Matarazzo reminded everyone to be thinking about possible topics for the 2005 Public Hearing.

******THE NEXT MEETING WILL BE ON MARCH 8, 2004, BEGINNING AT 10:00 A.M.****
John Hazen, of the NJDEP's Office of Legislative Affairs, will be the guest speaker.**

NEW JERSEY CLEAN WATER COUNCIL

March 8, 2005
Meeting Highlights

Location:

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

Attendees:

Members: Pat Matarazzo, Russ Furnari, Amy Goldsmith, L. Mason Neely, Carmen Valentin, Ray Zabihach, and Ray Nichols.

Others: Amy Soli (TRC Omni- for Jim Cosgrove), Helen Heinrich (NJ Farm Bureau), and Michael Bammel (Katlex, LLC).

Meeting convened by Chairman Pat Matarazzo

APPROVAL OF FEBRUARY'S MEETING HIGHLIGHTS:

Russ Furnari requested that the reference to his comments about the forthcoming proposed surface water quality standards be modified to more accurately reflect what he said. Specifically, he noted that it appears that DEP will not adopt any surface water quality standards based upon wildlife criteria at this time, due to the need to align with the DRBC. Re-adopted surface water quality standards are likely to include a requirement for monitoring using new 1600 level analytical methodologies.

Subject to that clarification, the highlights were approved. The permanent copy of the minutes shall be modified as per his request.

PRESENTATION BY JOHN HAZEN, NJDEP's LEGISLATIVE LIAISON:

John Hazen, discussed pending legislation of interest to the DEP and the members of Clean Water Council.

S-192: (Sponsored by Senator Bob Smith) "New Jersey Clean Water, Drought Mitigation and Water Resource Security Trust Fund Act": The bill proposes to establish a stable source of funding for the long-term preservation and protection of the State's Water Resources by creating a water consumption user fee of \$0.03 per thousand gallons of water delivered to a consumer.

Lou Neely noted that the League of Municipalities is opposed to the bill because, while it would collect only about \$3.00 - \$7.00 per household per year, it would generate, in the aggregate, a great deal of money for NJDEP. He also noted that the bill exempts farmers from the need to pay this fee.

John noted that in February this bill was referred to the Senate Budget and Appropriations Committee. The DEP has indicated that it supports the bill, with some qualifications, related to

the overly broad scope of its purposes. However, given that this is an election year and this bill proposes the creation of a new tax, the DEP does not expect the bill to be passed by the Senate.

S-2018: The MTBE Ban: John noted that Assistant Commissioner Samuel Wolfe attended the January meeting of the Clean Air Council and the February meeting of the CWC. At both meetings he discussed DEP's position of this subject at length. At its January meeting, the Clean Air Council voted to remain neutral, since MTBE is a Federal issue and the continued uncertainty of replacing it with another oxygenate (such as ethanol). The DEP has taken no position on the specific bill before the legislature.

Several CWC members observed that some of the support for the MTBE ban is coming from the same people who support the establishment of an ethanol plant in South Jersey. It seems that the ethanol advocates are basically trying to create a market for the State's grain farmers.

Amy questioned whether or not the State should be making an investment in an ethanol plant. She recommended that DEP evaluate not just the pros and cons of MTBE vs. ethanol, but the need for oxygenated fuels in the future, given the change in automobile engine technology from carburetors to fuel injection.

Pat expressed concern about DEP allowing the use of two cycle engines in power boats on Spruce Run & Round Valley reservoirs, since these lakes are part of the State's public water supplies. In response, John noted that these waters are tested annually and that no significant amount of MTBE has been detected in the waters from these reservoirs.

A-3547: Arsenic Standards: The DEP has taken no position on the specific bill before the legislature.

[NOTE: For a copy of the bills cited above, see: <http://www.njleg.state.nj.us/bills>]

Proposed Rule Regulating CO2 emissions: Several Council members expressed their concerns that this rule could have unintended consequences that would affect water resources. For example, the process of treating sewage results in the generation of CO2 gas. Additional CO2 is released when sewage sludge is incinerated. While the proposed rule does not establish discharge limits, there is concern that once CO2 becomes a regulated discharge, the limits and permit requirements imposed upon sewage treatment plants could require the plant operators to install expensive equipment to reduce CO2 emissions.

Adding Fluoride to Public Water Supplies: It was noted that the Public Health Advisory Council was considering establishing a requirement that fluoride be added all drinking water supplies in NJ. The subject would be discussed and possible action would be taken at its next meeting, on March 14th.

Council members discussed various reasons why this proposal was not a good idea. With respect to the Clean Water Council's specific area of concern, Pat noted that if this rule were to take effect, it would create a massive problem for the State's sewage treatment plants. Apparently the chemicals used to fluoridate water in the US are derived from the production of superphosphate

fertilizer. Thus, fluoridation of public water supplies has the incidental effect of also adding a substantial amount of phosphorous to the system. Since the sewage treatment plants are required to remove phosphorous from the wastewater entering the plant, fluoridation of a municipality's water supply would add to phosphorous load entering the STP. The magnitude of the problem is such that if fluoride is added, the amount of phosphorous also added means that the concentration of phosphorous in the drinking water would exceed the allowable discharge limits for phosphorous for the wastewater treatment plant.

Therefore, Council members sought to have DEP representatives attend this hearing to present environmental reasons why the fluoridation proposal should not be approved by the Public Health Advisory Council.

Mercury Switch Bill is on the Governor's desk awaiting his signature. This bill will result in the removal of a substantial amount of mercury from the environment. By requiring automobile recyclers to remove all mercury switches from automobiles before they are scrapped, one of the major sources of mercury emissions to New Jersey's air, will be greatly reduced. Currently, about 500,000 cars are scrapped in this state annually. About 80% of them (400, 000) have mercury switches. Since automobile manufacturers no longer use mercury switches, it is estimated that this requirement will no longer be necessary in about 10 years.

NEW BUSINESS:

Highlands Commission: Pat noted that he and Dan Van Abs have been attending their meetings. Much of the Commissioner's discussion has focused on water. Pat wants to invite Adam Zellner, the Commission's Executive Director, to make a presentation to the CWC on what the Highlands Council is doing. Such a presentation probably would not occur before sometime this summer. The CWC members present encouraged Pat to invite Adam to a future CWC meeting.

DEP UPDATE:

Council Membership and Governor's Appointments

Ray Nichols reported that while the Commissioner's Office was preparing the appointment nomination package for the Governors' Office, it discovered that copies of resumes were missing for several of the people being recommended. They only had resumes for Dan Van Abs and James Cosgrove. Therefore, last week, Ray requested resumes from those individuals for whom resumes were needed (L. Mason Neely, Pamela Goodman, Pat Matarazzo, Ray Zabihach and Mary Beth Koza). He intended to forward them to the Commissioner's Office as soon as they were received.

Ray also noted that the list of members on the CWC's web site needed to be updated, also.

In addition to the governor's appointees, the Chairman of the Water Supply Council is automatically a member of the Clean Water Council. Pat noted that the current chairman, Eugene Golub, had delegated Ella Filippone, another WSC member, to attend CWC meetings, but that she had not attended any for some time. Pat will contact Eugene about getting a WSC representative to attend the CWC meetings.

DISCUSSION OF POSSIBLE TOPICS FOR 2005 PUBLIC HEARING:

During a brainstorming session, the members mentioned the following ideas:

- Ask Commissioner Campbell for a hot topic
- Fluoride (default)
- Surface water quality standards – We are anticipating minimal changes when they are re-proposed in April. However, are there any substantial changes that the DEP should be considering?
- The stormwater rules- by October they will have been in effect for over eighteen months: How to get stormwater controls without going out of our mind?
How to make it work- let's get realistic about doing it.

OPEN DISCUSSION**Implementation of the Stormwater Rules:**

Pat brought a copy of the advisory letter that Jim Hamilton, Administrator for Water Resources Compliance and Enforcement, had sent to Verona. He assumed this was a form letter being sent to all municipalities alerting them to the deadlines in their General Stormwater NJPDES Permits. He noted that the only other time he had seen a similar letter was in 1988, when DEP made a major effort to get sewage treatment plants to complete upgrades.

Council members noted that DEP appears very serious about getting the municipalities to comply with the permit conditions. However, it seems that many municipalities have done relatively little to do so. Also, some municipalities may be considering ways to oppose the requirements.

Some municipal attorneys are concerned about liability issues for a municipality, such as if they change the size openings of storm sewer inlet grates and it causes more street flooding.

It was agreed that, since this is a major new regulatory program, DEP is looking for municipalities to make good faith efforts to comply with the permit conditions. Enforcement efforts are likely to be focused on municipalities that have not done anything to implement the conditions of their General Permit, especially those who have indicated any intention to not do so. Several Council members commented that if a town had not yet completed its stormwater management plan, then it should be sending DEP a letter requesting an extension of time.

Noting that an important permit requirement is for each municipality to create and adopt its own stormwater management plan, Russ Furnari and Pat Matarazzo discussed reasons why a generic plan based upon standard boilerplate is inadequate. There needs to be consideration of whatever special water features exist within the municipality, e.g. reservoirs, C-1 water ways, and waterbodies with established TMDLs.

Ray Zabihach noted that, to date, the Morris County Planning Department had received stormwater management plans to review from just 4 of the 39 municipalities in the County. He feels very positive that this represents great progress, since his counterparts in some other counties had not yet received any.

Stormwater Utility proposal: Ray Zabihach noted that the draft report by the consultant had been reviewed. There had been discussions with mid-level staff in DEP. They were waiting for the consultant to finalize the draft report. He added that, because of the financial consequences, there was a need to get the Dept. of Community Affairs involved and supportive of the utility concept.

ADJOURNMENT

Pat Matarazzo reminded everyone to be thinking about possible topics for the 2005 Public Hearing.

******THE NEXT MEETING WILL BE ON APRIL 12, 2005, BEGINNING AT 10:00 A.M.******

Judy Louis, from the NJDEP Division of Science, Research and Technology will be the guest speaker. Her topic will be:

“RESULTS OF THE FIRST TWO YEARS OF THE PRIVATE WELL TESTING ACT”

NEW JERSEY CLEAN WATER COUNCIL

April 12, 2005
Meeting Highlights

Location:

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

Attendees:

Members: Ferdows Ali, Jim Cosgrove, Russ Furnari, Amy Goldsmith, Steve Lenox, Pat Matarazzo, Anthony McCracken, L. Mason Neely, Carmen Valentin, Dan Van Abs, Ray Zabihach, and Ray Nichols.

Others: Helen Heinrich (NJ Farm Bureau) and Karen Norwicki (OEA).

Meeting convened by Chairman Pat Matarazzo

PRESENTATION by JUDY LOUIS, Ph.D., Chief, Bureau of Environmental Health Science and Environmental Assessment, Division of Science, Research and Technology, NJDEP.

“UNDERSTANDING NEW JERSEY’S PRIVATE WELL WATER TEST RESULTS”

Since September, 2002, as required by the New Jersey Private Well Testing Act, before a house served by a private well is sold, the well must be tested for the presence of possible contaminants. Both the buyer and DEP must be informed of the test results. Landlords of certain properties must also test for certain drinking water parameters at least once every five years and provide a written copy of the results to their tenants.

Judy Louis discussed the results of the preliminary analysis of the data submitted to DEP between September 2002 and September 2004. She noted that this meeting represents the first time that this analysis was being presented. It was not in final form, thus not ready for publication. She anticipated that the final report will be published in July, and will then be available on the DEP website. Data has been collected from about 26,000 private wells. This data is very valuable because of the number of samples and the geographic extent of the database. Use of the database is constrained by the accuracy of the location of the wells, the fact that only one sample is collected per well, and confidentiality requirements.

The test results have been compared to the standards established by the NJ Safe Drinking Water Act, except for arsenic and lead. Lead exceedances are based on DEP’s Ground Water Quality Standard (10 ppb) while arsenic exceedances are based on the proposed federal MCL of 10 ppb. Overall, about 9% of the well tests showed one or more contaminants above the Safe Drinking Water Standards. The occurrence of different groups of contaminants show that the problems in NJ wells in descending order are: gross alpha, arsenic, nitrate, fecal coliform, volatile organic compounds, and mercury.

APPROVAL OF MARCH'S MEETING HIGHLIGHTS:

Helen Heinlich requested that the minutes for the March meeting be amended to show that she had offered to bring a speaker to the May meeting to talk about ethanol as a gasoline additive. Subject to that clarification, the highlights were approved. The permanent copy of the minutes shall be modified accordingly.

OLD BUSINESS:

There were no changes to council member status since last month.

Discussion of planning for 2005 public hearing was postponed to the May meeting.

NEW BUSINESS:

November Meeting date: Since the regular date (second Tuesday of the month, Nov. 8) is Election Day, and a State Holiday, the scheduled date was changed to the following Tuesday. Recently, the Clean Air Council which will have its regularly scheduled meeting on Wed., Nov. 9, 2005, has suggested that this date might be appropriate for a joint meeting, if the members of the CWC so desire. This topic was tabled for discussion during the May meeting.

DEP Update: Ray Nichols noted that since last month's meeting, Commissioner Campbell had promoted John Hazen to be DEP's Director of Legislative Affairs. Also, Alyssa Wolfe was appointed as Counselor to the Commissioner, succeeding Dante DiPirro.

He announced that the Compliance and Enforcement Division has recently published the "**2001 Annual Report of the Clean Water Enforcement Act**". Anyone who wants to read it can see it on the Web site at: <http://www.nj.gov/dep/enforcement/report-cwea.html>.

Other announcements: The Clean Air Council Annual Public Hearing is/was April 13, in the DEP building's Public Hearing Room

The Clean Communities Council will host a seminar and awards program on May 25 & 26 in Red Bank. The theme is "Clean Water for Today and Tomorrow".

The Watershed Partnership for New Jersey is sponsoring its 2nd annual interactive conference for educators on June 28 & 29, at the Rutgers EcoComplex in Bordentown.

Other Announcements: Pat announced that the Annual Water Environment Association Conference will be May 2-5 in Atlantic City. On Wed., May 4 there will be a session on "The Watershed Approach in NJ: Are We On Track?"

OPEN DISCUSSION:

Ethanol and MTBE: Lou Neeley & Helen Heinlich brought up the fact that there will be a legislative hearing on 4/27 re the proposed ban on MTBE (A-3547). Helen offered to have an ethanol advocate make a presentation to the CWC in May. The council members discussed these related subjects, and declined the offer, noting that an ethanol advocate had come to the January meeting and spoke on that topic.

The council members decided to draft a position statement supporting the abolishment of MTBE as an additive, noting that there is much less need for any oxygenate than there had been when EPA imposed the oxygenate requirement. They supported the State seeking relief from EPA

from the oxygenate requirement. Furthermore, they noted that before any ban was to take effect, there should be a thorough study of the effects of any proposed substitute on the environment, due to the law of unintended consequences.

Russ Funari was going to draft the actual resolution. Some of the CWC members indicated that they were likely to go to the hearing on 4/27.

CO2 Rule proposal: Due to the number and nature of the negative comments the DEP received during the public comment period, Commissioner Campbell has invited the commenters to a special meeting on 4/15 where they will be able to discuss their concerns.

SWQS Rule proposal: The imminent publication of the revised Surface Water Quality Standards Rule proposal was discussed. The CWC members would like Debra Hammond to come to a council meeting, as soon as possible, to discuss the proposed changes, so that the Council and interested members could provide comments to the Department before the end of the public comment period.

Ray Nichols offered to notify the members as soon as he knew that the rule proposal was going to be posted on the web, so they could view it there. (Editorial Note: Subsequent to this meeting, the DEP received a four month extension from the Governor on the deadline for proposing revised Surface Water Quality Standards.)

ADJOURNMENT

******THE NEXT MEETING WILL BE ON MAY 10, 2005, BEGINNING AT 10:00 A.M. ******

******The primary topic for discussion will be planning for the annual CWC public hearing. ******

NEW JERSEY CLEAN WATER COUNCIL

May 10, 2005

Meeting Highlights

Location:

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

Attendees:

Members: Russ Furnari, Amy Goldsmith, Mary Beth Koza, Steve Lenox, Pat Matarazzo, L. Mason Neely, Dan Van Abs, and Ray Nichols.

Others: Helen Heinrich (NJ Farm Bureau).

Meeting convened by Chairman Pat Matarazzo

APPROVAL OF APRIL'S MEETING HIGHLIGHTS:

The highlights were approved as submitted.

OLD BUSINESS:

November Meeting date: Since the regular date (second Tuesday of the month, Nov. 8) is Election Day, and a State Holiday, the scheduled date was changed to the following day, Wednesday, Nov. 9, 2005. Since this date happens to be the regularly scheduled meeting date for the Clean Air Council, the CWC members expressed interest in having a joint meeting with the CAC, if its members agree. Possible topics for discussion include pollution prevention and water conservation: industrial processes with multi-media impacts, such as selective catalytic reduction (SCR) technology.

Council Member Status: There were no substantial changes since last month. The appointments office was seeking the home address and phone numbers for a few of the nominees.

Ethanol and MTBE: Helen Heinrich reported on the legislative hearing held on 4/27 about the proposed ban of MTBE (A-3547). Russ Funari is drafting a position statement supporting the abolishment of MTBE as an additive, noting that there is much less need for any oxygenate than there had been when USEPA imposed the oxygenate requirement, and encouraging the State to seek relief from USEPA from the oxygenate requirement.

NEW BUSINESS:

DEP Update: Ray Nichols noted that the governor had granted the DEP a four month extension, to August 17, 2005, to propose revisions to the Surface Water Quality Standards Rules. He had discussed with Debra Hammond the CWC's invitation to her to come to a council meeting, as soon as possible, to discuss the proposed changes. She is willing, but presently unable. Due to the current status of the rule revisions, she anticipates that the July meeting would be the soonest time that it would be practical for her to discuss the rules with the CWC. Upon learning of the new schedule for the rule proposal, the CWC members expressed interest in having her attend the July meeting.

In April, the DEP issued a Draft Progress Report on the NJ Statewide Water Supply Plan. Pat suggested that whereas the DEP is in the process of revising that plan, which was last revised in 1996, it might make a good topic for the public hearing.

Other new business: Amy Goldsmith informed the group that the Public Health Advisory Council is planning to hold a public hearing on June 6 on its proposal to require the addition of Fluoride to all public drinking water supplies in NJ. Following discussion, she was authorized to draft and submit comments at that hearing, discussing why the CWC was opposed to the proposal.

Ray was asked to try to get a DEP representative from Water Resources Enforcement to come to the June meeting to update council members on the recent enforcement initiatives, including regarding USTs.

OPEN DISCUSSION on planning for the annual CWC public hearing:

Ray announced that the Public Hearing Room on the first floor of 401 E. State Street was heavily booked already. The only available dates in October for having the hearing there were Monday the 3rd, Friday the 7th, Monday the 24th, and Friday the 28th. After discussion, it was decided to aim for the 24th, with the 28th as backup.

Several possible topics for the hearing were discussed. Given the delay in the publication of the SWQS rules, that topic was deemed inappropriate due to timeliness issues. Council members then considered focusing on the topic of the water supply plan. They noted that the CWC has held joint public hearings in past years with the Water Supply Council (WSC) on topics of mutual interest.

Pat will contact the chairman of the WSC, Gene Golub, to ascertain if they would be interested in holding a joint hearing in October on the Water Supply Plan. At the same time Ray Nichols will discuss the matter with Joe Mattle.

In the event that a different topic is deemed desirable, then council members suggest that it might be worthwhile to re-visit the topic of Beneficial Re-use, in order to review beneficial re-use projects that have been developed since the Council last held a hearing on this subject.

ADJOURNMENT

******THE NEXT MEETING WILL BE ON JUNE 14, 2005, BEGINNING AT 10:00 A.M. ******

DEP Guest Speakers: James Hamilton, Administrator of the Water Enforcement & Compliance Program, and Jonathan Berg, Coordinator of the Underground Storage Tank Inspection Program, will discuss recent enforcement initiatives, with emphasis on Underground Storage Tanks.

NEW JERSEY CLEAN WATER COUNCIL

June 14, 2005

Meeting Highlights

Location:

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

Attendees:

Members: Ferdows Ali, Russ Furnari, Amy Goldsmith, Pat Matarazzo, L. Mason Neely, Pasquale Pittore, James Requa, Dan Van Abs, and Ray Nichols.

Others: Barbara Rich (Rancocas Conservancy).

Meeting convened by Chairman Pat Matarazzo

GUEST PRESENTATION BY DEP STAFF:

James Hamilton, Administrator of the Water Enforcement & Compliance Program, and Jonathan Berg, Coordinator of the Underground Storage Tank Inspection Program, discussed the development of the Underground Storage Tanks Enforcement Initiative, which focuses attention on the requirements of tank owners to maintain and operate their tanks as to reduce the number of releases/discharges from UST systems and to hasten the response to, and resolution of, possible releases/discharges from those systems.

APPROVAL OF MAY'S MEETING HIGHLIGHTS:

The highlights were approved as submitted.

OLD BUSINESS:

Planning for the annual CWC public hearing:

Ray announced that the hearing has been scheduled for Monday, October 24th, in the Public Hearing Room on the first floor of 401 E. State Street.

Since last month's meeting, Ray and Pat have tried to get someone from the Water Supply Advisory Council (WSAC), to attend this meeting to discuss possibilities for holding a joint hearing in October on a topic that relates to both water quality and water supply. Ray Nichols has discussed the matter with Joe Mattle, who noted that the WSAC did not meet in May and their next meeting is June 24. He encouraged representatives of the CWC to attend that meeting and discuss the subject then.

Fluoridation: Amy Goldsmith reported to the group about the public hearing held on June 6 by the Public Health Advisory Council on its proposal to require the addition of Fluoride to all public drinking water supplies in NJ. Although she did not attend, she learned that 80-90 people did. Although about 10 were in favor, the rest were opposed, including representatives of water and sewer utilities. She had drafted and submitted via e-mail a letter describing why the CWC was opposed to the proposal. She noted that one speaker at the hearing who has studied the fluoridation of public water supplies reported that because flouride is corrosive, one of the

unanticipated side effects of fluoridation is the release of additional lead into the water from the distribution system. She noted that since it was a public hearing, the Public Health Advisory Council took no action, but that they might act at their next meeting.

NEW BUSINESS/ OPEN DISCUSSION:

Council Member Status: James Requa, of the Office of State Planning in DCA announced that he would be attending the CWC meetings on behalf of CarminValentin. An updated list of Council members was distributed. Members suggested several additions and corrections for Ray Nichols to incorporate into the final version, which will then be put on the Council's web page.

Ray Nichols distributed copies of an article about stormwater management in Maryland, which described some of the innovative management practices being implemented there.

Russ Furnari discussed a news release that USEPA issued on June 11 regarding TMDLs for Chesapeake Bay. It quoted Benjamin Grumbles, EPA's assistant administrator for Water, as saying "EPA has determined that existing regulations, coupled with the collaborative partnership outlined in the *Chesapeake 2000* agreement, will get us results faster than developing new federal rules." Grumbles' statement is part of EPA's formal response to a petition filed by the Chesapeake Bay Foundation, an environmental advocacy organization. The petition requested that EPA develop additional federal regulations to achieve nutrient controls in the Chesapeake Bay watershed.

Pat Matarazzo announced that the annual national TMDL conference will be held in Philadelphia on June 27-29, 2005. He and Russ are planning to attend. He expressed hope that many NJDEP staff with interest in TMDLs would be able to attend.

Other topics discussed by the members before the meeting was adjourned included:

CSO/SSO Blending policy will

The Residential site Improvement Standards for roadway widths and the the goals of reducing stormwater runoff.

The open invitation to Adam Zellner, of the Highlands Commission staff to make a presentation at some future CWC meeting.

The open invitation to Debra Hammond, of DEP to make a presentation in the near future to CWC regarding the revisions to the Surface Water Quality Standards.

ADJOURNMENT

******THE NEXT MEETING WILL BE ON JULY 12, 2005, BEGINNING AT 10:00 A.M. ******

The Primary topic for discussion will be the CWC's upcoming Public Hearing

NEW JERSEY CLEAN WATER COUNCIL

July 12, 2005

Meeting Highlights

Location:

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

Attendees

Members: Ferdows Ali, Russ Furnari, Pamela Goodwin, Mary Beth Koza, Pat Matarazzo, Pasquale Pittore, James Requa, Dan Van Abs, and Ray Nichols.

Meeting convened by Chairman Pat Matarazzo

APPROVAL OF JUNE'S MEETING HIGHLIGHTS:

The highlights were approved as submitted.

OLD BUSINESS:

Planning for the Annual CWC Public Hearing:

Ray Nichols announced that in order to hold the hearing in the Public Hearing room on the first floor of 401 E. State Street, the hearing date had to be rescheduled, from October 24th to Monday, October 31st.

Ray reported that he attended the meeting of the Water Supply Advisory Council (WSAC) on June 24, to explain the CWC's desire to hold a joint hearing on a topic that relates to both water quality and water supply. The WSAC discussed the matter and then agreed to be co-sponsors. Noting that she had to be elsewhere on July 12, Ella Filapone subsequently transmitted a list of possible topics that the hearing might address. They included:

- 1) Safe yield of our water supplies
- 2) Ground Water availability and quality
- 3) What does the public see as the most critical issue?
- 4) What is the public's perception of reused water?
- 5) What is the most serious problem facing water supply today?
- 6) Can the State of New Jersey meet water demands to the year 2040 if it continues to grow?
- 7) Can New Jersey sustain adequate flows to maintain water quality in all of its river systems?
- 8) Does New Jersey need a new funded program for lakes as they apply to water supply/quality?

After reviewing Ella's list, the CWC members present, identified the following additional possible issues:

- a) Regional considerations
- b) TMDLs interplay with Transfer of Development Rights (TDR)
- c) Water Allocations and Re-Use
- d) Statewide standards vs. Uses for particular streams

- e) Grey water
- f) Safe drinking water
- g) TMDLs
- h) How much are “known polluted sites” actually impacting water supply?
- i) Water allocations for farmers vs. water allocation permits for public supplies & industry – legal and policy issues
- j) Brownfields development: infrastructure & water supply
- k) Proposal to require site plan approvals for commercial & industrial uses to include provisions (infrastructure) for water re-use
- l) Failing septic systems
- m) NPS- stormwater runoff

Following discussion, the Council members realized that there are a number of critical issues that need attention and careful consideration. They then decided that rather than have the hearing focus on one topic, as had been done in the past few years, this year they would ask members of the public to identify the most critical issues for DEP to consider over the next several years. Due to the increased awareness of these issues and the costs involved in implementing policy, they decided to ask people to focus on the one most critical water quality related issue from their perspective when giving testimony. Furthermore, as the CWC has been discussing during the past year, when examining any particular water quality or supply issue, there are often crossover impacts and/or unintended consequences which involve other environmental media, such as air quality or land uses.

Therefore, while targeting testimony on critical water quality issues, they decided that the hearing will seek input from the public on the relationship between environmental media. Furthermore, as water quality affects water supplies, the CWC will also seek information on what issues are of critical importance in the various regions of the state. The Council members agreed that after the hearing they will then evaluate the testimony and prepare a report to DEP outlining the issues raised and their thoughts on how policy should be shaped to address these issues.

Following this discussion, the following working title for the hearing was agreed upon: “Clean Water for NJ: Public Perspectives on Critical Issues for the Near Future”.

Members then discussed having three panels of experts representing various stakeholders’ perspectives “testify”. The first panel would consist of planners and representatives of statewide organizations which advocate for clean water and general public concerns. The second panel would be composed of representatives of the various major user groups, e.g. Developers, Agriculture, Industry, Water Utilities. The third panel would be designed to elicit the concerns of various regional interests, such as the Highlands, Pinelands, Meadowlands, Delaware River Basin and coastal areas.

Discussion then focused on who should be invited to present testimony via these panels.

A Public Hearing Planning Committee was then formed to recruit the speakers and do the necessary follow-up. Initially it consisted of: Russ Furnari, Mary Beth Koza, Pat Matarazzo,

James Requa, Dan Van Abs, and Ray Nichols. [NOTE: Subsequent to this meeting, Pamela Goodwin and Amy Goldsmith agreed to serve on the committee, together with Joe Mattle, DEP's liaison to the Water Supply Advisory Council. Pat Matarazzo found it necessary to remove himself from the committee.]

CANCELLATION OF AUGUST MEETING:

Following brief discussion of its long standing tradition, the council members agreed to cancel the August meeting. Instead, the members of the Public Hearing Planning Committee would conduct a teleconference to discuss the status of their planning efforts and what remained to be done. Mary Beth Koza volunteered to arrange the conference call.

OPEN DISCUSSION

Pat Matarazzo and Russ Furnari briefly reported on the annual national TMDL conference which they attended in Philadelphia on June 27-29, 2005.

ADJOURNMENT

****THE NEXT MEETING WILL BE ON SEPTEMBER 13, 2005, BEGINNING AT 10:00 A.M. ****
In addition to discussion of the upcoming Public Hearing, an election of officers will be held.

NEW JERSEY CLEAN WATER COUNCIL

September 13, 2005

Meeting Highlights

Location:

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

Attendees

Members: Ferdows Ali, Jim Cosgrove, Ella Filippone, Russ Furnari, Amy Goldsmith, Pamela Goodwin, Mary Beth Koza, Tony McCracken, Pat Pittore, James Requa, Dan Van Abs, Ray Zabihach and Ray Nichols.

Others: Ellen Gulbinsky, Helen Heinrich, Joe Mattle and Barb Rich

Meeting convened by Vice Chair Pamela Goodwin.

REORGANIZATION OF COUNCIL

Welcome newly appointed members: Vice Chair Pamela Goodwin acknowledged the presence of the newly appointed members and the stakeholders they represent: Dan Van Abs (Public), Mary Beth Koza (NJ Business and Industry Association), and Jim Cosgrove (NJ Society of Professional Engineers). She noted that, although he was not present, George Hawkins had been appointed to replace Pat Matarazzo as one of the Public's representatives. Also Ms. Goodwin has been re-appointed to represent the Public and Ray Zabihach was re-appointed and now represents the NJ Association of Counties.

The council members then discussed how best to recognize Pat for his years of service as Council chair. Pam proposed, subject to Pat's acceptance, to hold a special breakfast meeting at her office and present him with a plaque. The group agreed with that suggestion. The Council members and friends of the Council will be notified when the arrangements are finalized.

Election of Chairperson and Vice-chair: By universal acclamation, the council elected Pamela Goodwin as Chair and Russ Furnari as Vice-Chair.

APPROVAL OF JULY'S MEETING HIGHLIGHTS:

The highlights were approved as submitted.

OLD BUSINESS:

Planning For 2005 Public Hearing: The Council members reviewed the final draft copy of the brochure announcing the hearing and suggested minor changes. It was agreed that Pam and Gene Golub, as Chairs of the Clean Water Council and Water Supply Advisory Council, would jointly serve as Co-Moderators. Ray Nichols described the arrangements that had been made to provide parking for the Council members and invited panelists. The Council members agreed that, in recognition of the universality of the use of e-mail for distribution of information, there was no need to produce large quantities of paper copies of the brochure. They agreed to distribute copies electronically to their respective constituencies.

Other logistical matters: To help the panelists avoid repeating one another, and to further optimize the value of the panelists' testimony, the council members created the following planning process.

Each panelist will be asked to submit a brief statement outlining what issue or perspective s/he intends to address in their testimony. (2-3 sentences) and submit it to Ray. He will then compile them and e-mail the compilation to all the presenters, so each will have some idea about what issue the others are preparing to discuss. Then, a teleconference of the panelists will be held during which some type of logical sequence of speakers will be determined. Also, since several of the Council members want to reserve the right to ask questions of the panelists, it was agreed that they shall be asked to confine their testimony to five minutes. The panelists shall also be encouraged to provide handouts for the audience, and refrain from making PowerPoint presentations.

Dan Van Abs noted that the representatives of the NJ Chapter of the American Water Works Association would like to have three people present their perspective during the hearing. It was agreed that one of them (Neil Goldfine) would be listed on the program as a panelist, and he be the last panelist to speak. Then the other two NJAWWA representatives could speak, so as to maintain the continuity of their presentation.

Regarding other persons who wish to testify: They will be able to call Ray's office (609-292-2113) and register with Ursula Montis. She will create a list of such persons and assign them an approximate time at which they will be heard, beginning at approximately 11:00 a.m. On the day of the hearing, all attendees who wish to speak will be asked to fill out a card when they arrive, so that the moderators will be able to call them in the order they register.

NEW BUSINESS:

Discussion of Council's direction for coming year: Russ Furnari reviewed the mission of the Council as defined in the enabling legislation (N.J.S.A. 58:25-11) and asked about paragraph (d) there under, which says:

"Members of the council shall serve without compensation but shall be reimbursed for expenses actually incurred in attending meetings of the council and in the performance of their duties as members thereof."

None of the Council members could recall having ever being reimbursed for their travel expenses. But upon seeing that the law, as adopted in 1980, provided for such reimbursement, Russ asked about how they could be so reimbursed. Ray Nichols agreed to research the matter.

Ray Zabihach noted that, while the Council is charged with collecting information about the Water Pollution Control Program, studying it, and making recommendations as to how the Department might improve it, it seemed that the Council had studied numerous issues, such as phosphorus, but then never acted as a council. He suggested that, to improve the Council's effectiveness, it formalize its positions with resolutions.

Others pointed out that in order to establish the Council's direction for the coming year, or a work program for the Council, they needed to ascertain just what was meant by "Water Pollution." Mary Beth and Russ agreed to work up a definition of "Water Pollution" for the next meeting.

Dan suggested that, given the broad and diverse perspectives of the various Council members, when working together as a Council, they might better serve DEP by focusing on future years' problems, rather than the most current year's. DEP could benefit if the Council focused upon water pollution related problems that the existing regulatory programs were not addressing. For example, to take the stormwater management issue, there may be the need to look at some problems that are unique to just one geographic region within the state, or some special land uses, such as roads.

Helen added that with some issues, where there is a diversity of viewpoints among the Council members, they might decide to make a statement that acknowledged the disagreements, such as when the Supreme Court issues a majority opinion, together with the dissenting opinions.

After additional comments from various members, it was agreed to continue the discussion of how the Council might evolve at the next meeting.

ANNOUNCEMENTS:

DEP UPDATE: Ray announced that on August 17, 2005, the Department published its proposal to readopt the Surface Water Quality Standards at N.J.A.C.7:9B with amendments to the general policies, antidegradation policies, water quality criteria, and stream classifications. At the same time it published a notice in the New Jersey Register seeking public comment on possible revisions to the Surface Water Quality Standards to establish an antidegradation policy for nonpoint source discharges. He encouraged the Council members to read these documents, which are available from the Department's web site at <http://www.nj.gov/dep/rules/>.

He indicated that Debra Hammond would be willing to attend the Council's October meeting to discuss these proposals and answer any questions the members might have. The members expressed eagerness to hear her and ask questions.

Ray announced that the Office of Watershed Education, Estuaries and Monitoring had hired 19 of the 20 people needed for the coming year's Americorps Watershed Ambassador Program, which is the closest the Program has come to having a full complement of Ambassadors prior to the start of their year of service in the six years that DEP has operated this program. (p.s.: the 20th person was hired before the training started on Sept. 19.)

OPEN DISCUSSION: Members briefly discussed the desirability of holding joint meetings with the Clean Air Council and the Water Supply Advisory Council. It was decided to defer another meeting with the CAC until another subject of mutual interest was identified. The members agreed that a joint meeting with the WSAC sometime soon after the public hearing was completed would be desirable.

ADJOURNMENT

Reminder: Bring your questions for Debra Hammond to the next meeting on October 11, 2005.

NEW JERSEY CLEAN WATER COUNCIL
October 11, 2005
Meeting Highlights

Location:

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

Attendees

Members: Russ Furnari, Amy Goldsmith, Pamela Goodwin, George Hawkins, Tony McCracken, Ray Nichols, Pat Pittore, Dan Van Abs, and Ray Zabihach.

Others: Dave Stout and Helen Heinrich

Meeting convened by Pamela Goodwin, Chair.

Welcome newly appointed member: Chair Pamela Goodwin welcomed George Hawkins as a newly appointed member of the Council, representing the Public.

PRESENTATION BY DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF:

Debra Hammond, Chief of the Bureau of Water Standards and Assessment discussed the proposed amendments to the **Surface Water Quality Standards (SWQS)** that the Department is planning to adopt, pending the review of comments from the public. She noted that a public hearing was scheduled for October 24. [Subsequent to this meeting, the date of the public hearing was changed to November 9, 2005.] The deadline for submitting written comments is November 18, 2005.

Debra discussed the substance of the proposed changes and explained why the changes were needed. For example, she described how the Department is proposing several amendments to clarify the existing rule language and to recodify implementation policies regarding bacterial and temperature criteria. Other amendments would modify the antidegradation policies and antidegradation designations to support smart growth initiatives. Also, the surface water quality criteria for aquatic life and human health protection would be updated to reflect state-of-the-science risk assessments.

In addition, the Department is proposing to:

- (1) Require monitoring for mercury and PCBs using new, more sensitive USEPA approved methods;
- (2) Reclassify and/or upgrade the antidegradation designation of several streams based on fish sampling data;
- (3) Establish criteria for toxic pollutants based on the updated USEPA 304(a) recommended criteria; and
- (4) Establish criteria that will enable the State to set site specific criteria that would be more stringent than the Federal criteria.

Debra noted that, due to the need to re-adopt the existing rules within five years, according to the Administrative Procedures Act, and the limited amount of time available before the existing rules expire in February 2006, the Department is not proposing any changes to either the nutrient criteria or the bioassay procedures and criteria currently in effect.

Although the Department had previously proposed to adopt wildlife criteria for mercury, PCBs and DDT, but then did not do so, the current proposal does not include any wildlife-based criteria. Based upon a study commissioned by USEPA, it has been determined that there is no “end of pipe” treatment that will meet the standards that the Department is seeking to adopt. Consequently, the Department is proposing an implementation plan and implementation requirements which will establish a monitoring program to do baseline studies. Dischargers will be required to do monitoring using more sensitive analytical methods. Then the problem areas can be more clearly identified, and more efficient strategies to address those problems developed.

Debra then discussed how, concurrently with proposing these amendments, the Department published a notice in the New Jersey Register seeking public comment on possible revisions to the Surface Water Quality Standards which would establish an antidegradation policy for nonpoint source discharges. The Department anticipates proposing antidegradation requirements for nonpoint sources for all Highlands open waters in connection with its Highlands Water Protection and Planning Rules rulemaking initiative, under N.J.A.C. 7:38. Therefore, the request for comments is focused on surface waters located outside of the Highlands Region.

She noted that there is widespread agreement that the establishment and maintenance of buffer zones around streams has a variety of benefits. These benefits can be measured in terms of water quality, flow rates, flood control, ecological diversity, wildlife and aquatic life. Therefore, to meet the antidegradation objectives of the Clean Water Act, the Department seeks to create regulations addressing nonpoint sources of pollution, in particular, the pollutants associated with new development and redevelopment of land areas located near streams. To do so, the Department is considering proposing rules that would establish regulated areas called riparian zones.

The horizontal extent (or width) of the riparian zone associated with a given stream would be established based upon that stream’s classification (as listed in the SWQS) and the designated state planning area (as determined according to the State Development and Redevelopment Plan). A tier system would be established based upon the various combinations of classes. Waterways deemed to need the greatest level of buffering, or protection, such as a C1 waterway in Planning Areas 4 or 5, would have a regulated riparian zone extending 300 feet from the water way, as is case currently under the Stormwater Rules. For Trout Maintenance and FW2-NT waters in PA3, PA4 and PA5, the riparian zone would be 150 feet, while for FW-2 Non-Trout streams in PA 1 or 2, it would be 50 feet. These rules are envisioned as applying to new or expanded development that would disturb one or more acres of land or increase impervious surfaces by one-quarter acre or more. They would establish a requirement to maintain an undisturbed riparian zone adjacent to the stream, unless written authorization by the Department was obtained.

The Department could authorize disturbances in riparian zone only if certain criteria were met, including minimization of impacts and mitigation for unavoidable impacts. In addition, it would have to find that there was:

1. A Compelling Public Need; or
2. Applicant is eligible for a waiver under
 - Flood Hazard Area Control rules
 - Freshwater Wetlands Protection rules
 - Highlands Protection and Planning Act rules; or
3. Project is consistent with a regional plan which addresses stormwater

The explanation Debra provided concerning the Department's intentions in drafting the proposal and the related Request for Comment on the riparian buffer rule being considered by the Department, initiated a lively and informative discussion regarding both the substance of the rule proposal and the procedure for soliciting comment.

During the discussion several members raised the concern that the goals of the riparian buffer rules and its potential implementation were either unclear or confusing to the reader. There was particular focus on how the establishment of a riparian buffer "water quality criteria" would be applied to an agricultural property that was being re-developed as residential or commercial property, and/or other similar re-development activities, should these occur within and along designated water bodies.

Also, some of the Council members noted that, by publishing the request for comments simultaneously with the proposed amendments, but assigning different end dates for submitting comments, there was unnecessary confusion. Therefore, members expressed the desire to see the Department conduct additional stakeholder outreach activities to both explain and seek comment on this potential rule making initiative. They noted that, because the Department was contemplating an important action targeted at managing the impacts of nonpoint source pollution in NJ's water bodies, it was both proper and desirable for the process to be more fully vetted before it is formally proposed.

APPROVAL OF SEPTEMBER'S MEETING HIGHLIGHTS:

The highlights were approved as submitted.

OLD BUSINESS:

Recognition of past chairman for years of service: Pamela announced that the next council meeting, on Nov. 9, would be a special breakfast meeting held at her office, so that the Council could recognize Pat Matarazzo for his years of service as chairman of the CWC. She was arranging to have refreshments there and would have a plaque made up for presentation to Pat. Since the Council does not have a budget to cover such events, she invited the members to contribute to the cost as they saw fit.

Final Preparations for 2005 Public Hearing: Russ has set up a teleconference for October 19 at 9:30 a.m. so that the members of the planning committee and the speakers can determine the order of the speakers. Since there will be 10 speakers, each will be encouraged to speak for five minutes so that there will be an opportunity for questions after all the panelists have spoken. Council members would be given the chance to ask questions of the panelists, followed by questions from the audience. Then, following a 15 minute break, testimony from the public will be heard.

Follow up to setting CWC priorities for 2006: This subject was tabled to next meeting. Pamela noted that, when this subject is next discussed, the council members will need to consider what they heard from Debra and what they will hear at the public hearing.

NEW BUSINESS: None

ADJOURNMENT

Reminder: The next meeting will be on Wednesday, November 9, at the offices of Saul Ewing, LLC., 750 College Road East, Suite 100, Princeton. The building is at the corner of Scudders Mill Road and College Farm Road East. The meeting will begin at 10:00 a.m. For a map and more detailed directions, see <http://www.saul.com/offices/directions.aspx?officeID=147> Pat Matarazzo will be our guest of honor and breakfast will be served. Two major incentives to show up on time!

NEW JERSEY CLEAN WATER COUNCIL
November 9, 2005
Meeting Highlights

Location:

The offices of Saul Ewing, LLC, 750 College Road East, Suite 100, Princeton, NJ

Attendees

Members: Ferdows Ali, James Cosgrove, Russ Furnari, Pamela Goodwin, Tony McCracken, Ray Nichols, Pat Pittore, Jessica Sanchez, Dan Van Abs, and Ray Zabihach.

Others: Dante Di Pirro (Highlands Council)

Meeting convened by Pamela Goodwin, Chair.

APPROVAL OF OCTOBER'S MEETING HIGHLIGHTS:

The highlights were approved as submitted.

OLD BUSINESS:

Recognition of past chairman for years of service: Pamela announced that Pat Matarazzo's father passed away within the past week and he will, therefore, not be able to attend this meeting. He hopes to join us for the December meeting. Pamela announced that she was happy to host both the November and December meetings at her office in order to avoid confusion unless people would prefer to meet at the Infrastructure Trust Offices. The consensus was to meet at her office. Therefore, the next council meeting, on Dec. 13, will also be a special breakfast meeting held at her office. Pamela will arrange to have refreshments there and will have a plaque made up for presentation to Pat. Since the Council does not have a budget to cover such events, she invited the members to contribute to the cost as they saw fit.

Review of the 2005 Public Hearing: Dan prepared and distributed a two page summary of his notes of the key issues, organized around the topics of Land Use Management (existing vs. new), Water Supply, Wastewater Management, Water Quality, Emerging Issues, General Planning and Strategic Approaches to resolving the problems that the state faces.

After Dan noted that one of the more interesting emerging issues is Endocrine Disrupting Systems (EDC's), Jim Cosgrove reported what he had recently learned while in Washington, DC at WEFTEC '05 Conference. There were extensive discussions about this topic and pharmaceutical-based wastes in general. The consensus at that conference seemed to be that people are just starting to consider them as a form of water pollution. Currently, we don't know what they are, how to measure them, what impacts they may have, or how to regulate them. At the national level, the discussion is just starting. At the conference, someone discussed using chronic whole effluent toxicity tests as a way of measuring the impacts of these compounds.

Dan then pointed that there is substantial scientific evidence that EDCs are having impacts to various species of amphibians, including causing sex changes in frogs and salamanders. In terms of significance of these reports to NJ, he pointed out that almost all major water supply systems drawing upon surface waters have gone to using either ozone or ultraviolet light or both to treat potable water supplies. These two technologies, plus reverse osmosis, can counteract any

adverse effects of EDCs in our water supplies. However, the situation is different with respect to effects of the EDCs on aquatic organisms because wastewater treatment plants are still mostly using chlorination before discharging their effluent and such treatment do not affect these compounds. Furthermore, since there are currently no surface water standards for these compounds, there are no effluent standards for these compounds.

Upon completing his review of the testimony, Dan was surprised to realize that very little had been said about the streams themselves. No one addressed this issue directly, although some people mentioned it tangentially to land use issues. Others also expressed disappointment that so little was said about natural water systems. It appears that the people who testified were mostly concerned about water supply related issues.

NEW BUSINESS:

Follow-up to hearing: Based upon the respective statutory mandates, the CWC members felt it important to invite the WSAC to take part in the formulation of the advice for the Commissioner of DEP that should grow out of the hearing. They agreed that they needed to have a joint meeting with the WSAC – ideally in January. They set up a committee to meet with representatives of the WSAC (probably Gene Golub and Ella Fillapone) to draft a report with recommendations to the Commissioner as soon as possible after the transcript was available. Pamela, Dan, Russ and Jessica volunteered to serve on this committee. They planned to meet, or teleconference, in late November and/or December and be positioned to present a draft report to the joint councils for review and approval at the meeting on January 10, 2006.

There was strong support for creation of a newsworthy event at which the council would formally present its findings to the Commissioner. They also want to have a meeting to discuss those findings with either the Commissioner and/or other members of the Department's executive staff (e.g. Assistant Commissioner for Land Use Management).

Council members discussed various ideas about how to document what they had learned from the hearing and what they wanted to recommend to the Commissioner. During this discussion the following ideas were expressed:

- It was noted that some past reports had contained very specific recommendations, while others were very general.
- There is a need for the rules regulating water supply and water quality to acknowledge the different geological regions of the state and that there should be different standards for the various regions of the state, e.g. the regulations have recognized that pH of natural waters in the Pinelands is very different from the rest of the state.
- An underlying theme of most peoples' comments was that there are limits to what we have and what can be done within those limits. NJ is hitting up against all kinds of limits.

- All water is the same. We should recognize that ground water and surface water are both derived from the same precipitation. All of the State's water is part of the water cycle.
- The Green Acres Program and the Land Use Regulation Program are looking at preserving land in order to protect water, and the natural cycle of water.

Set date for next year's hearing: After considering several dates in October, the CWC reached consensus on Tuesday, Oct. 10, 2006. The hearing would take place in the Public Hearing Room at DEP in the morning (9:00 to Noon). Then Council could convene its regular monthly meeting that afternoon, after a break for lunch, in a conference room in the DEP building.

Follow up to setting CWC priorities for 2006: The council members agreed that this will follow from the result of the report they will approve at the January meeting.

DEP ANNOUNCEMENTS

1. The Department has just announced its intention to not adopt certain portions of its proposal to readopt with amendments the Surface Water Quality Standards, N.J.A.C. 7:9B (DEP Docket Number 30-05-08/545; see 37 N.J.R. 3480(a)). The Department has determined that, in light of concerns that have arisen since publication of the proposal, the Department should undertake further review of certain aspects of the rules. Specifically, the Department will not adopt the proposed amendments at N.J.A.C. 7:9B-1.5(d) and related definitions at N.J.A.C. 7:9B-1.4. In other words, the anti-degradation policies now in effect will not be changed upon adoption.

2. As part of its educational campaign to inform residents about some of the activities that ordinary people do that creates non-point source pollution, the DEP has produced a set of four full color posters depicting things that people should not do.

3. To further the environmental literacy, DEP has also produced an "Environmental Primer" designed to look like a student's notebook. Ray noted that the posters and the "Primer" are being sent to schools throughout the state. He provided copies of both for the meeting's attendees to take with them.

4. Ray also informed the council members of the procedures by which they could be reimbursed for travel expenses incidental to attending the CWC meetings. Copies of the necessary forms were distributed. If anyone needs more copies, please contact Ray or Ursula Montis at (609) 292-2113.

DISCUSSION:

- The distribution of the posters and Primer prompted a discussion of ways in which the Council could foster the education of young people. Suggestions included:
- Sending the posters to Environmental education centers.
- Adding links from CWC web site to water education pages.
- Creating an unpaid internship with the CWC for a Mercer County high school student.

- Sponsoring an essay contest with the winner being given the opportunity to intern with the CWC for a specified term of time. Winners would also get their photos on CWC's web page.
- Set up next year's public hearing so as to get students to testify.
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Jessica Sanchez brought copies of the Delaware River Basin Commission's *Water Resources Plan for the Delaware River Basin* to share with the council members. She described how the plan had been initiated by a 1999 challenge from the governors of our four basin states along with the federal government to lay out a policy direction for the use, protection, and enhancement of the basin's water resources through the year 2030, and how representatives of the four states and a number of federal agencies have all signed a resolution supporting the implementation of the basin plan. She noted that the DRBC's testimony at the public hearing had included this plan document by reference. She encouraged the Council members to read the plan.

ADJOURNMENT

Reminder: The next meeting will be on Tuesday, December 12, at the offices of Saul Ewing, LLC, 750 College Road East, Suite 100, Princeton. The building is at the corner of Scudders Mill Road and College Farm Road East. The meeting will begin at 10:00 a.m. For a map and more detailed directions, see <http://www.saul.com/offices/directions.aspx?officeID=147> Pat Matarazzo will be our guest of honor and breakfast will be served. Two major incentives to show up on time!

NEW JERSEY CLEAN WATER COUNCIL
December 13, 2005
Meeting Highlights

Location:

The offices of Saul Ewing, LLC, 750 College Road East, Suite 100, Princeton, NJ

Attendees

Members: Members: Russ Furnari, Amy Goldsmith, Pamela Goodwin, Tony McCracken, James Requa, Ray Nichols, Jessica Sanchez and Dan Van Abs

Others: Helen Heinrich, Rick Kropp, Bob Tudor and Dante DiPirro

Meeting convened by Pamela Goodwin, Chair.

Pamela Goodwin` announced that the planned presentation of a plaque to the former chair, Pat Matarrazo, for his ten years of service to the Council, would have to be deferred to the next meeting, because he had to be at the Verona Sewerage Treatment Plant that day.

PRESENTATION BY DANTE DIPIRRO ABOUT THE HIGHLANDS COUNCIL

Mr. Dante DiPirro, Deputy Director of the Highlands Council, discussed what that council and its staff had accomplished during its first year of operation and what plans are currently being developed. He described the existing and proposed rules that the Council has developed.

He also spoke about the Council's efforts to coordinate the construction of public infrastructure within the Highlands Area in order to protect water quality. They have had meetings with the Department of Transportation about extending commuter railroads in and through the Highlands in conjunction with planning for transit villages around rail stations.

Other discussions have focused on how municipalities can achieve substantial certifications for their COAH obligations while planning for reduced densities. They are developing a plan to have the affected municipalities meet their affordable housing obligations by sending additional densities outside Highlands Area to the counties. They intend to use transfer of development rights so that additional development can occur outside the Preservation Area, in the Planning Area and even outside that area, in the seven counties that encompass the Highlands Area.

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Dante also discussed proposals to obtain secured funding for implementation of the regional plan by assessing fees on water that originates in the Highlands Area regardless of where it is used. They are hoping to establish a user fee on 4 cents per 1000 gallons of water used. The funds thus generated would be used to establish and protect riparian buffers and other areas critically needed for optimizing ground water recharge and slowing the rates of stormwater runoff. These proposals will require the approval of the State Legislature before they can be implemented.

Dante noted that the Highlands Council is working with the NJ Water Supply Authority to acquire the critical lands needed to protect and enhance areas that are most important for the purpose of aquifer recharge. They are using all available sources of funds to acquire easements

and ownership of critical areas. These include Farmland Preservation, Green Acres and the Environmental Infrastructure Trust. In this context, Dan Van Abs noted that they need to do more than just acquire land for protection. Often there is a need to do restoration of disturbed areas in order to enhance the ability of the land to recharge water. For example, where a farmer had allowed livestock to graze immediately adjacent to a stream, they can improve the riparian buffer by planting trees and shrubs adjacent to water courses, fencing out the livestock, and insisting that land be managed for passive recreation only.

Currently, a lot of effort is going into assembling all the available land use data covering the Highlands area and adjacent communities that will be affected by the Highlands Master Plan. Several contracts have been let to consultants in order to have the Regional Master Plan completed by June 2006, with the first draft to be completed in February or March of 2006. The goal is to have all of the latest land use data and delineations of the various environmentally sensitive areas compiled in a Geographic Information System, to facilitate analysis and planning. There will be time for the Council members and the public to review the draft and provide feedback before it is finalized.

The Council has also been talking with the elected officials from the municipalities along the Delaware River about the impacts the proposed Master Plan will have on their communities. They have recognized the need to coordinate with those communities that are outside the Highlands because the displacement of projected population growth within the Highlands area will result in additional development pressure on the communities along that river. New Jersey saw this displacement development occur in the towns near the Atlantic Ocean following the creation of the Pinelands Preservation Plan. Between the Water Gap and Washington Crossing, the Delaware River is designated as Wild and Scenic River. The towns along the Delaware River have asked for help with planning in order to protect the existing character of that area. The municipalities along the Delaware River have been especially concerned about the increased development pressures they will face. Therefore, the Delaware River Basin Commission worked with them to secure a \$35,000 planning grant from the National Fish and Wildlife Foundation. This grant will enable the Municipal Land Use Center at The College of New Jersey to work on behalf of those municipalities to address their concerns simultaneously with the planning efforts of the Highlands Council.”

During the discussion stimulated by Dante’s remarks, Jessica Sanchez pointed out that the DRBC is working to protect the water quality of the Delaware River between the Water Gap and Washington Crossing by having the area designated as a Special Protection Area.

Russ Furnari suggested that the Highlands Council should consider the model developed in the Meadowlands to address the flood control concerns of several municipalities in Bergen County. The New Jersey Meadowlands Commission (NJMC) took on the task of dealing with FEMA on behalf of the various municipalities to review and revise the FEMA’s Flood Hazard Area Maps for those municipalities.

Others pointed out the desirability of insuring that the public understands the positive aspects of environmental planning and planning for growth.

Before concluding, Dante noted that there are still outstanding legal challenges that need to be settled through the court. Most deal with questions of whether specific development projects are, or are not, exempt from the new rules.

APPROVAL OF NOVEMBER'S MEETING HIGHLIGHTS:

The highlights were approved as distributed at the meeting, subject to the clarification that when Carol Collier presented testimony at the Public Hearing on behalf of the DRBC, she had asked that the Councils consider the Delaware River Basin Commission's *Water Resources Plan for the Delaware River Basin* as part of her testimony. To insure that all the Council members could read that plan, Jessica Sanchez brought additional copies of that document to the November meeting so that each council member could have one.

OLD BUSINESS:**Review of the Testimony from the Annual CWC Public Hearing and Status of Coordination with the WSAC:**

Dan Van Abs noted that the two documents he had prepared that summarized the testimony have been distributed to the Council members electronically. Ray Nichols added that Joe Mattle had sent copies to the members of the WSAC. The official transcript was distributed electronically on December 7th. Dan pointed out that the Water Supply Advisory Council (WSAC) has not had a meeting since the public hearing was held. Their next meeting is scheduled for the week after the CWC's January meeting. There had been no meeting of the subcommittee designated to draft the recommendations. Following discussion by the members of that subcommittee, it was decided that they would meet at 8:30 a.m. on January 10 at the offices of Saul Ewing in order to discuss a draft that Dan would work up before then and distribute electronically to the subcommittee members. Pamela indicated that the council was welcome to have its January meeting there as well, and would assist in getting the subcommittee's work product revised so it could be discussed by the full Council later that morning. Representatives of the WSAC have already been invited to the CWC's January meeting.

Definition of Pollution: This piece of old business was left over from the September meeting. Russ and Mary Beth Koza had indicated an interest in revisiting the meaning of this term as it was used in the CWC related documents dating from the mid-1980s that established the CWC. Unfortunately, Mary Beth has been extremely busy with her job and they have not had a chance to meet or discuss the subject since the September meeting. The council will await a report from Russ & Mary Beth to discuss the subject again.

Discussion: The Council discussed the general value of the Council as an advisory body for the benefit of DEP. Members felt that the Council could serve to do more public outreach and education.

DEP UPDATES:

319 Grants: The Bureau of Watershed Planning is in the midst of reviewing pre-proposals in response to the SFY 06 604(b) Requests for Proposals (RfP). This RfP was targeted at funding

the development of Septic Management Plans. In October and early November, the Bureau received 14 pre-proposals. Twelve are for planning grants and two are for implanting something on the ground. Final funding recommendations will be made by February 15, 2006. The RfP for the next round of grants (SFY 07) is scheduled to be advertised in January. Priority for funding has not yet been finalized.

Microbial Source Tracking: Ray reported that several DEP staff are involved in a multi-agency workgroup devoted to the subject of Microbial Source Tracking. At this group's meeting on December 12, they discussed the development of a "White Paper" on this subject. Initially, the group was considering directing this report to the governor. However, at this meeting, they discussed the possibility of presenting the White Paper to the Clean Water Council instead. This way, the CWC could evaluate MST related issues and present their conclusions as advice to the DEP on how to implement policies related to monitoring MSTs and the implementation of TMDLs. Ferdows Ali is a member of both this working group and the CWC. It seems likely that a member of the MST Working Group will attend the next Clean Water Council Meeting to explain briefly what the working group seeks to accomplish.

A lively discussion on this topic ensued. Since bacterial contamination is frequently cause of streams being classified as impaired, it would be useful be able to determine if the bacteria is from human sources or livestock or wildlife, such as Canada geese.

ADJOURNMENT

****NOTE: THE NEXT MEETING WILL BE HELD ON JANUARY 10, 2006, BEGINNING AT 10:00 A.M., at the offices of Saul Ewing, LLC, 750 College Road East, Suite 100, Princeton.***

In addition, the subcommittee developing the Council's recommendations for the DEP Commissioner based upon the 2005 Public Hearing will meet beginning at 8:30 a.m., at the same location.

The Chair has requested that all council members make a special effort to attend this meeting and plan to arrive by 10:00 A. M., because:

- **Pat Matarazzo will be our guest of honor;**
- **Larry Baier, Director of the Division of Watershed Management, Ken Klipstein, Chief of the Bureau of Watershed Management, and Kerry Kirk-Pflugh will present brief updates on some of the Division's activities;**
- **The major agenda items will be the finalization of the subcommittee's recommendations to the Commissioner and the identification of the Council's priorities for 2006; and**
- **Breakfast will be served.**

* The offices of Saul Ewing, LLC, are in the building at the corner of Scudders Mill Road and College Farm Road East. For a map and more detailed directions, see <http://www.saul.com/offices/directions.aspx?officeID=147>