

**NEW JERSEY CLEAN WATER COUNCIL**  
**January 10, 2006**  
**Meeting Highlights**

**Location:**

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

**Attendees**

**Members:** Ferdows Ali, Jim Cosgrove, Russ Furnari, Amy Goldsmith, Pamela Goodwin, Ray Nichols, Pat Pittore, Jessica Sanchez, Dan Van Abs, Ray Zabihach

**Others:** Larry Baier, Jack Gibs, Helen Heinrich, Ken Klipstein, Rick Kropp, Pat Matarazzo, and Kerry Kirk-Pflugh.

**Meeting convened** by Pamela Goodwin, Chair.

**RECOGNITION OF FORMER CHAIR:**

After members and guests were treated to a continental breakfast repast provided by the Princeton office of Saul Ewing, LLC, Pamela Goodwin presented an engraved plaque to the former chair, Pat Matarazzo, for his ten years of service to the Council. The plaque was inscribed:

The Clean Water Council of New Jersey  
Recognizes Pat Matarazzo  
for Ten Years of Service to the Council  
and Thanks Him for His Leadership as Chair

**APPROVAL OF MEETING HIGHLIGHTS FROM DECEMBER 13, 2006:**

The meeting highlights of the December 13 meeting were approved, subject to the following modifications:

On page 2, the later part of the third paragraph shall be corrected to read: "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."

On page 2, the fifth paragraph shall be corrected to credit the New Jersey Meadowlands Commission (NJMC) (not the HMDC) as the organization that dealt with FEMA.

On page 3, the first paragraph was corrected to recognize that Carol Collier, not Jessica Sanchez, who presented testimony at the Public Hearing on behalf of the DRBC. Carol had asked that the Councils' members consider the Delaware River Basin Commission's *Water Resources Plan for the Delaware River Basin* as part of her testimony. Jessica Sanchez brought

additional copies of that plan to the November meeting so that each council member could have one.

Lastly, the meeting record shall be amended to note that the members discussed the desirability of insuring the public understands the positive aspects of environmental planning and planning for growth.

**PRESENTATION BY LARRY BAIER, Director of the Division of Watershed Management, together with Ken Klipstein, Chief of the Bureau of Watershed Planning, and Kerry Kirk-Pflugh, Section Chief of the Watershed Education, Estuaries and Monitoring Group.**

Larry Baier presented information about some of the Division's current activities and initiated discussion of ways by which the CWC might become more involved with some of those activities.

**Section 319(h) Program**

In previous years, this program was used to fund broad, large-scale watershed planning efforts. Current efforts are directed at putting together implementation of previously approved watershed management plans and restoration plans. The Division is trying to focus on smaller geographic watersheds, where it may be easier to implement a project that has a demonstrable effect on improving water quality. Such projects may take into account existing studies done in-house, as well as TMDL studies.

The Division is also trying to leverage 319 funds with other sources of funding for these implementation projects. For example, using programs sponsored by USDA to put Best Management Practices in place on existing agricultural lands. He described the existing and proposed rules that the Division has developed.

Beginning in State Fiscal Year (SFY) 2006, the Division has prioritized Watershed-Based Plan Implementation Projects for Section 319(h) Nonpoint Source Pollution Control Grant funding. Such projects include nonpoint source abatement projects or activities that have been specifically identified as integral components of a Department approved watershed-based plan. For the purpose of implementing these projects with 319(h) funds, the Division defines watershed-based plans as plans that:

- are regional/areawide in scope (i.e. not a study of one location);
- detail specific projects or management measures to be implemented in order to achieve the goals of the plan; and
- set forth a prioritization of the projects or management measures identified in the plan.

Plans **initiated** after June 30, 2007 must include the nine minimum components of a watershed plan set forth in the Environmental Protection Agency's "Handbook for Developing Watershed Plans to Restore and Protect Our Waters" (USEPA, 2005) in order to be considered for implementation funds through 319(h). These minimum components are also outlined in the New Jersey "Request for Proposals: SFY 2007 Section 319(h) Grants for Nonpoint Source Pollution

Control." Plans initiated prior to June 30, 2007 must meet the definition of a watershed-based plan noted above. However, they need not possess the nine minimum components in order to receive implementation funds, unless the plans were funded under 319(h) grants in which said minimum components are a requirement of the executed contracts.

Larry invited the CWC to consider ways in which the Council members could possibly become involved with the 319(h) Grant Program. One option would be if Council members would want to help to define the scope of work, and priorities for next year's Request for Proposals. Another option would be reviewing project proposals after they were submitted to the Division. A few of the Council members expressed concerns about potential conflict of interest if they were both submitting proposals and then reviewing them for possible funding.

### **Water Quality Management Plans (WQMPs)**

Recently the Department of Environmental Protection (DEP) had proposed three statewide amendments to the rules regulating Water Quality Management Plans (WQMPs). They were subsequently subject to criticism from various stakeholders. The DEP has responded to the public's comments by modifying one and withdrawing the other two.

1. One amendment proposes to adopt a Statewide GIS Coverage of existing Sewer Service Areas. This proposal was viewed somewhat favorably and the DEP is moving forward with it. However, because of concerns about accuracy of the GIS coverage, DEP extended the Public Comment Period to Feb. 2, so people can examine the GIS coverage that is proposed and recommend any corrections to that coverage.

The following two rule proposals have been withdrawn. Larry did not know what the new administration would want to do about them. In one proposal, DEP had proposed to revoke approval of all Sewer Service Areas (SSAs) that had been identified in a WQMP that had not been kept up to date in accordance with the rules and that were located in Planning Areas 3, 4, or 5. The other amendment proposal would have essentially reinstated rules (previously known as "Subchapter 8") to enable DEP to examine subdivisions where septic systems were being proposed to treat the discharges of six or more dwellings. The goal was to require analysis of the effect of their density and their impact on ground water. These rules had been adopted several years ago as "Subchapter 8," but the courts subsequently overturned them on a technicality.

In a related development, on November 28, 2005, Governor Cody extended the chapter expiration date of the Water Quality Management Planning Rules (N.J.A.C. 7:15) from November 29, 2005 to May 25, 2006, thus enabling the next administration to determine how best to revise them. Larry noted that the goal of these proposed amendments was to improve the consistency between the WQMP Rules and the State Plan. This is still considered an admirable goal. The short amount of time remaining before May 25 does not allow DEP much time to develop a new rule proposal. Never the less, Larry encouraged the Council to make suggestions as to how the rules should be amended.

### **Stormwater Management Rules**

The Division of Watershed Management has been concerned about how best to implement rules related to Nonpoint Source Pollution and providing for protection of riparian corridors. While it is recognized that there is a correlation between the amount of impervious cover in a watershed

and its impact on water quality, there has been a lack of approval standards for implementing E.O.109.

The Stormwater Management Rules require the implementation of nonstructural stormwater management strategies to the maximum extent practicable. Nonstructural strategies include preservation of natural vegetation, minimization of impervious surfaces, minimization of compaction, usage of natural drainage features, etc. There is no empirical threshold in the regulation that can be used to determine compliance. This has resulted in inconsistent implementation of nonstructural strategies. To address this issue, the Division of Watershed Management has recently developed a computational tool to assess compliance with the nonstructural strategies requirement.

This computational tool is based upon a points system. It is intended to be a “pass only” measuring tool. This means that projects that achieve passing values using this tool are presumed to comply with the nonstructural requirements without further analysis. Designers of projects that do not achieve passing values will be asked to do a rigorous alternatives analysis to demonstrate that nonstructural stormwater management techniques have been incorporated into the site design to the maximum extent practicable.

This new tool is an Excel spreadsheet that computes pre-development nonstructural points based on existing soil and vegetation types on the development site. The spreadsheet then computes post development nonstructural points. The loss of points then must be offset through the incorporation of nonstructural strategies in the site design. The percentage of points that must be retained is determined by the size of the site and the State Planning Area where the site is located. Larger sites have greater opportunity to incorporate nonstructural strategies into site design than smaller sites. Therefore, they are held to a higher threshold. Nonstructural strategies often reduce the intensity of development that can be accommodated on site. Therefore a smaller percentage of points must be retained in centers, and planning areas 1 and 2 and a higher percentage is required in planning areas 4 and 5.

The method was being unveiled in a short course at Rutgers and will be posted on the web soon. Larry offered to get a presentation on this subject for the council if they so desired.

Jim Cosgrove voiced approval of the new procedures, noting that if there was no target to shoot for, there was no incentive to try. He elaborated on the desirability of having a point system, noting that some engineers will just design projects the way they always have until they are required to do something differently. Secondly, some engineers have found that, when they have proposed non-structural designs (such as roadside swales) the local planning board objects and indicates a preference for curbs and inlets. This may occur because some people equate roadside swales with ditches, which are visually offensive.

Rick Kropp noted that if anyone wanted to see a site where nonstructural measures have been successfully implemented, they could look around the Princeton Forrestal Center, which was designed in the 1970s. Someone noted that nonstructural measures take up more land area than structural measures. Princeton University was willing to dedicate the necessary land area to non-structural measures when it developed the Forrestal Center. However, many developers want to

maximize the development potential of their site, and are unwilling to designate any more land area for stormwater management than is absolutely necessary.

It was also pointed out that there is a need to consider the concerns of the public works departments. These people are concerned about how much labor and equipment will be needed to maintain the stormwater management facilities, as well as the non-structural measures.

Russ commented the BMP Manual seems to be targeted to the typical engineers, with specifications for structural measures described in detail. This has led some consultants to say to their clients, "If we do these measures this way, then it will be approved, whereas if we try to rely upon non-structural measures, we are uncertain if they will be approved. He also, noted that the BMP Manual is mostly about methods that apply to new developments. It does not look at retrofits for existing developments.

Kerry Kirk Pflugh noted that the State is now requiring planning board members and municipal engineers to go through special training courses, which have been approved by the DCA. Several council members voiced support of the need for local planning board members to be educated. It was hoped that the DEP's goals for "greener" techniques would be built into these courses.

Several people talked about the need for planning board members and their engineers to be educated about the new Stormwater Rules. While the municipalities have had their consultants modify their master plan to incorporate the model ordinances that DEP requires, it seems that many local planning board members do not know what is contained in their own ordinances.

Ray Zabihach pointed out that the counties are working with archaic drainage rules established in 1956. The role of the county planning departments was overlooked when the rules were revised in 1981 and when the latest stormwater rules were adopted. He noted that the counties are required to review the municipal stormwater ordinances. However, when development plans are submitted to the county planning offices for review, they can only make recommendations to the municipalities about what should be on the plans. It will take legislative action to give them sufficient authority in this area.

Kerry Kirk Pflugh noted that stormwater retention on the ground surface is a multi-faceted issue. While we now advocate measures that facilitate stormwater infiltration to recharge groundwater aquifers as a good environmental practice, many more people are concerned that standing water represents a health issue. For the past several years, we have been educating the public to recognize areas of standing water as potential mosquito breeding habitat, which should be eliminated to prevent the spread of West Nile Virus. Since floods can damage property and take lives, there has been a big push for many years to get the water into pipes and drained away as quickly as possible. Pamela, acknowledging the complexities, suggested that this subject would be a good topic for another meeting.

Larry then informed the CWC of another problem. Back in July, the Passaic River Basin Alliance had filed an OPRA request for information about the TMDLs being proposed in the Passaic Basin, upstream of Wanaque Reservoir. DEP failed to respond to that request. The

Alliance then filed suit to require DEP to comply with the OPRA requirements. In response to that suit, the DEP will be making the requested information available. In addition, the decision has been made to reopen the comment period for that TMDL rule proposal.

In closing, Larry expressed his willingness to return to the CWC whenever the members desired a general update on “Hot Topics” in his Division. In addition, he is willing to send the appropriate DEP staff to brief them on specific topics, as requested. Kerry, noting that the managers of the Division meet weekly to exchange information about their respective programs, suggested that some of them could attend CWC meetings on a quarterly basis and act as conduits of information between the Division and the Council.

In response, Pamela expressed great appreciation for his coming to the meeting and having a dialogue with the CWC members. She also indicated that the Council members have expressed the desire to help DEP by conveying the concerns of the public, and their respective constituencies to the DEP. Furthermore, they wanted to do so in ways that ultimately benefit the state’s residents and their water resources. She suggested that it would be good if Larry could attend a meeting every 6 months or so, just the way he did today, and lead a discussion of the various issues with which he is dealing.

## **OLD BUSINESS:**

### **REPORT FROM THE PUBLIC HEARING COMMITTEE**

(Members are Dan Van Abs, Russ Furnari, Jessica Sanchez, and Pamela Goodwin)

This committee met earlier on the morning of January 10, to review the work previously done by Dan Van Abs. He had taken the concepts expressed by the speakers at the hearing and the recommendations of the subcommittee and organized that information in a coherent format. During their meeting, they reworked the recommendations and did extensive wordsmithing. Copies of the draft that came out of their meeting were distributed to everyone present and then discussed. The first page consists of a description of how and why the report was produced and summarizes the key recommendations. The committee recognized the public’s comments and the Councils’ recommendations fell into several categories, or topics: Strategic Approaches, Water Supply, Management of Growth, Water Impacts of Existing Land Uses, and Wastewater Management: Existing and Emerging Issues.

The rest of the report consists of two columns for each of these topics. The left column contains a brief description of the issues raised at the hearing. The right column presents the related recommendations.

It was agreed that the complete transcript of the hearing would accompany the recommendations document. There was discussion about the possibility of also providing the list of comments that identified the person who originally expressed the comment at the public hearing.

Dan noted that he planned to take this draft document to next meeting of the Water Supply Advisory Council, which was scheduled to meet on January 20, so that its members could discuss it and make any changes they deemed necessary. (Note: That meeting was subsequently cancelled and re-scheduled for February 17.)

Therefore, while the CWC wanted to present the recommendation to the new Commissioner as soon as possible, final approval would be best tabled to the February Council meeting. It was further agreed that the Council members would review the document in detail and submit any comments for additions or changes to the committee by February 1.

Amy Goldsmith raised questions about the meaning and use of two inference-loaded terms. First, the use of “Regions” in the context of Water Supply Critical Areas on page two, and then the use of the term “Centers”, as used in the context of Management of Growth on page three. It was noted that there needed to be additional clarification of how the Councils meant these terms to be used.

Dan offered to make the requested changes and then send Ray Nichols and Joe Mattle an electronic copy that they could then transmit to all of the members of their respective Councils, together with a request that everyone was to review the draft in detail and submit recommended changes by February 1. This would still enable the final version of the recommendations to be approved at next CWC meeting, on February 14.

Pamela expressed the desire to have the recommendations physically presented to Commissioner in the format of a newsworthy event. Kerry and Larry indicated willingness to work with Lisa Jackson and the DEP Press Office to set something up just as soon as people knew what the final version would be.

#### PRESENTATION ON MICROBIAL SOURCE TRACKING

As a follow-up to the discussion at the December meeting on Microbial Source Tracking (MST), Rick Kropp invited Jack Gibs, a Water Quality Specialist with the NJ office of USGS, to come to this meeting to describe how MST is being done.

Jack indicated that there are two approaches to doing MST. One technique uses antibiotics, because various strains of bacteria respond to an antibiotic differently. Using studies of these reactions, and some powerful statistics, it is possible to distinguish strains of bacteria (mostly *E. coli*) as having originated in feces of human origins, as differentiated from various species of livestock, or from various species of wildlife. The technique is very labor intensive and expensive, because of the need to analyze large number of samples.

This technique necessitates the establishment of extensive libraries of feces associated with the various species of interest in the local area. Some states (including Delaware and Virginia) have invested heavily in this technique. It has merit in places where streams are contaminated with fecal coliform and there is a need to determine if the source is of human or livestock origins.

When the source is livestock, then the farmers can be encouraged to apply Best Management Practices, such as fencing off streams and establishing riparian corridors. One problem with this technique is that the libraries do not transfer spatially. There are differences in bacteria from one county to an adjacent county. Furthermore, it appears that the DNA of the bacteria can mutate and change over time. So the libraries become obsolete. The USGS conducted a study comparing the methods used in West Virginia and Virginia. This study concluded that there are

limits to the accuracy of the methods, and it takes a lot of money to establish the libraries. Another cost factor is the need to cultivate multiple replicates for each sample in order to use the statistical analysis.

The second approach to MST involves techniques that are still in the research stage. They involve examining the molecular structure of DNA for the bacteria. This technique promises to provide much faster turnaround times because there is no need to cultivate the samples. However, the methods are still being developed.

After Jack's presentation, Ken Klipstein explained why DEP is interested in MST. DEP has established almost 200 fecal coliform TMDLs. In many cases, they have made assumptions about whether the source is failing septic systems or agricultural runoff. He asked if the CWC was interested in getting involved in evaluating the MST methods and advising the DEP. Consensus was to take a wait and see attitude depending upon what information the multi-agency MST Study Group developed. The topic was then tabled.

## **ADJOURNMENT**



**NEW JERSEY CLEAN WATER COUNCIL**  
**February 14, 2006**  
**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, Pamela Goodwin, Tony McCracken, Sr., Lou Mason Neely, Ray Nichols, Pat Pittore, James Requa, Dan Van Abs, Ray Zabihach

**Others:** Helen Heinrich, Rick Kropp, Ken Najar (DRBC)

**Meeting convened** by Pamela Goodwin, Chair.

**GUEST PRESENTATION BY DEP STAFF:**

Alyse Greenberg, 319h Grant Program Coordinator, in the Bureau of Watershed Planning, Division of Watershed Management, presented a PowerPoint Program about the Section 319(h) Grant Program, and answered questions from Council members.

In accordance with Section 319(h) of the Federal Clean Water Act, and guidance from USEPA, the DEP, through the Division of Watershed Management (Division) provides grants to local and regional entities that address nonpoint source pollution on a watershed basis. In previous years, this program was used to fund broad, large-scale watershed planning efforts, many of which are still in the process of being completed. As of February 6, 2006, two watershed-based implementation plans had been approved by DEP. They are:

**Pequannock River Temperature Impairment: Characterization, Assessment and Management Plan**, prepared by the Pequannock River Coalition, and

**Delaware and Raritan Canal Tributary Assessment and Nonpoint Source Management Project Watershed Restoration and Protection Plan**, prepared by the New Jersey Water Supply Authority

A number of others are currently being reviewed and may be approved soon. Alyse described how in the just published Request for Proposals, for State Fiscal Year (SFY) 2006, potential applicants are notified that priority to receive funding will be given to proposals that call for focusing on smaller geographic watersheds with the intent of implementing a project that will have a demonstrable effect on improving water quality. Such proposals should be based on previously approved watershed management plans and restoration plans. Such projects may take into account existing studies done in-house as well as TMDL studies.

In addition, the Division is encouraging applicants to leverage 319 funds with other sources of funding for these implementation projects. For example, using programs sponsored by USDA to put Best Management Practices in place on existing agricultural lands, riparian corridors along streams can be established.

During the discussion prompted by this presentation, Council members put forward the following suggestions:

After learning that there were just two DEP approved Watershed-Based Implementation Plans, several CWC members were interested in the status of the other watershed-based plans, which DEP had funded in previous years. Being new in the position of 319h Grant Program Coordinator, Alyse was uncertain about exactly how many plans are somewhere in the pipeline between conception and approval and where they might be. She noted that there are several regional grant managers, and many of the grants run multiple years. Some of the Council members were interested in learning more about the status of the plans still in the plan development pipeline.

Several of the Council members noted that they had been involved with Watershed Management Advisory Committees in the past. They also recognized that most of those committees were either inactive or had been disbanded. It was suggested that the CWC establish a NPS advisory committee as sub-committee of CWC, with outside members.

Council members suggested that DEP publicly identify some successful projects, especially implementation plans, but also watershed plans. This would better enable potential grant applicants to learn from others experiences.

There is a need to learn about examples of projects where NPS control measures were retrofitted into existing developed areas.

Members were very interested in the subject of maintenance agreements. What should go into a good one? Questions needing answers include: who, what, when where, how and how much will their implementation cost?

They suggested that applicants should be required to identify what DEP-Land Use Regulation Permits will be needed during pre-proposal phase of the application process.

Members had heard complaints that when a project proposal was undergoing its final review, DEP reneged on commitments that had been made by staff members during pre-proposal phase. It was suggested that DEP needs to clarify the extent to which an applicant can rely on comments or commitments made by DEP staff during pre-proposal phase.

Have CWC look at and evaluate some projects that have been funded.

Have CWC host a pre-application workshop on the grant application process. It was noted that the current process requires applicants to submit a pre-proposal document before DEP staff will meet with them. Furthermore, DEP staff will only meet with consultants if the applicant attends the meeting also.

Have CWC suggest ways to help set funding priorities for SFY 08 funding cycle.

## **OLD BUSINESS:**

### **REPORT FROM THE PUBLIC HEARING COMMITTEE**

Dan Van Abs reported that he had received very little in the way of comments about the draft that was circulated after the last meeting. Thus, the recommendations reflect the hearing record.

**Decision:** The recommendations were unanimously approved and adopted.

### **COORDINATION WITH WSAC AND PRESENTATION OF JOINT REPORT TO DEP**

Pamela noted that since the WSAC had been invited to co-sponsor the public hearing with the CWC, it was desired to submit the recommendations as coming from both councils.

Ella Filippone noted that the WSAC was supposed to have met on January 20, but that meeting was cancelled because there would not be a quorum present. The next WSAC meeting was set for February 17. It was noted that the Chair of the Water Supply Advisory Council (WSAC) had sent an e-mail comment that the recommendations lacked "technical details." However, he was unable to attend the next WSAC meeting. It was noted that during the public hearing most of the comments dealt with policy recommendations, not technical recommendations. Dan indicated that as a designated Advisor to the WSAC, he would attend that meeting and, on behalf of the CWC, would seek the approval of that Council for the recommendations.

**Decision:** The Chair was also authorized to do whatever was necessary to get the recommendations to the Commissioner Jackson.

## **NEW BUSINESS:**

### **SETTING COUNCIL'S PRIORITIES FOR 2006**

Council members discussed possible topics for the CWC to focus on during 2006: It was agreed that a list of possibilities would be distributed before the next meeting and considered further at that meeting.

## **ADJOURNMENT**

## **NEW JERSEY CLEAN WATER COUNCIL**

**March 14, 2006**  
**Meeting Highlights**

### **Location:**

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

### **Attendees**

**Members:** Russ Furnari, Pamela Goodwin, Tony McCracken, Sr., Lou Mason Neely, Ray Nichols, Pat Pittore, James Requa, Jessica Sanchez, Dan Van Abs, Ray Zabihach

**Others:** Larry Baier and Helen Heinrich.

**Meeting convened** by Pamela Goodwin, Chair.

### **APPROVAL OF JANUARY AND FEBRUARY MEETING HIGHLIGHTS:**

The highlights were approved as distributed at the meeting,

### **OLD BUSINESS:**

**Status of Transmitting Recommendations Based on the 2005 Public Hearing to Commissioner Jackson:** Pamela reported on the meeting that she had with Ken Klipstein, Chief of the Bureau of Watershed Planning, together with Kerry Pflugh and Ray Nichols, on March 3. Ken recommended that the best way to get the recommendations to the Commissioner is for her to it directly to the Commissioner, rather than through internal channels. Also, due to the desire to complete the CWC's mandate to present recommendations to the Commissioner as quickly as possible, and the unfortunate delays experienced in coordinating with the Water Supply Advisory Council, Pam would not try to get the letter approved by both bodies, but would send it over her signature, and attach the report. The letter will note that the public hearing was sponsored by both Councils, and would include a request to meet with the Commissioner to discuss the contents of the report. Also, it will acknowledge that in early January, the Legislature adopted, and Governor Cody signed, legislation appropriating \$2.5 million, to be used to complete a new Statewide Water Supply Master Plan.

### **NEW BUSINESS:**

#### **SETTING COUNCIL'S PRIORITIES FOR 2006**

Ray Nichols distributed a list of possible topics that he had assembled as the result of discussions at previous council meetings. Pam noted that during her meeting with Ken Klipstein, Ken had elaborated upon what the role of the CWC might be with respect to the Section 319(h) Grant Program. The Division has about \$3.5 million to distribute annually. He would look to the CWC for guidance on how to prioritize for the use of those funds,

At this point, Larry Baier, Director of the Division of Watershed Management, joined the meeting. The discussion of the Council's participation in the evaluative process of future 319(h) grants continued. Council members noted the necessity to take into consideration the fact that

some of the Council members were likely to be applicants for these grants, also. Therefore, there are ethical considerations regarding how potential conflicts of interest would be avoided.

Larry then announced that he was preparing a response to USEPA's Strategic Architecture (Framework) for the 319 Program planning through the year 2012. The Federal Office of Management and Budget (OMB) has directed EPA to get the States to set several measurable targets (goals) for restoration of impaired waterbodies, based upon the impairments identified in the 2002 version of the State's list of impaired waterbodies. Larry distributed copies of the draft guidance document from USEPA, described how they were looking for quantifiable goals. He noted that while it is laudable to establish measurable goals, there are difficulties with achieving the goals as stated in the guidance document. Therefore, he was asking for suggestions in how DEP should respond.

Dan noted this seemed to the type of activity that the CWC was seeking, i.e. helping to determine long term objectives. He also noted that \$8 Billion was spent to clean up point sources of water pollution of water pollution in NJ. Now they are spending \$3 Million to clean up non point sources. The question needs to be asked how DEP can best use the limited funds to restore impaired waterways.

The council members engaged in a lively discussion of the related issues. One observation is that DEP functions well as a regulator. But it could be doing a lot more to facilitate change that will eventually result in clean water. Several members expressed interest in pursuing this topic (how DEP should use the available 319 funds to best advantage to clean up impaired waters). They noted the Council would have to address the challenge of reaching consensus, which may be difficult given the diverse perspectives of the members.

In wrapping up the discussion, Larry suggested that the Council could consider tackling one of two types of issues in the coming year that would be of assistance:

- The global issue of how does DEP shape something that works; or
- The more specific issue of how to best implement the 319(h) grant program to get stream restoration projects completed.

Larry noted that he is also in the process of completing an Annual Report to EPA, which is due on April 1. He will provide copies at the next Council meeting.

In asking for assistance from the council, Larry also offered to make his staff available to provide any information or training that the council members need. Larry then left the council to figure out what it wants to do.

Dan proposed that a separate subcommittee be set up to frame the question of the council's goals for the coming year, to be presented at the April Meeting. The subcommittee members are Dan, Jessica, Russ, Tony, and Pam.

Pam noted that she is still interested in having the Council sponsor an essay contest for high school students.

**ADJOURNMENT**

**NEW JERSEY CLEAN WATER COUNCIL**  
**April 11, 2006**  
**Meeting Highlights**

**Location:**

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

**Attendees**

**Members:** Jim Cosgrove, Russ Furnari, Amy Goldsmith, Pamela Goodwin, Mary Beth Koza, Tony McCracken, Sr., Lou Mason Neely, Ray Nichols, Pat Pittore, James Requa, Jessica Sanchez, Dan Van Abs, Ray Zabihach

**Others:** Helen Heinrich.

**Meeting convened** by Russ Furnari, Vice Chair.

**APPROVAL OF MARCH MEETING HIGHLIGHTS:**

The highlights were approved as amended and distributed at the meeting.

**DEP UPDATES**

Ray Nichols distributed two documents that Larry Baier wanted the council members to review for background information. One was his correspondence with USEPA regarding NJDEP's response to USEPA's proposed Strategic Architecture for the Watershed Subobjective. The other was a "nearly final draft" of the "State of New Jersey Nonpoint Source Report 2004-2006" which was also going to USEPA.

**OLD BUSINESS:**

In response to Pamela Goodwin's letter transmitting the Councils' Recommendations Based on the 2005 Public Hearing to Commissioner Jackson, the council members have been invited to meet with Gary Sondermeyer, her Director of Operations on April 18. The rest of the meeting was devoted to discussing plans for what council members wanted to convey to Gary during that meeting.-

**NEW BUSINESS:**

**Setting CWC priorities for rest of 2006** – Dan Van Abs distributed a first draft of the Water Quality Agenda Committee's Recommendations to the CWC. Discussion of those recommendations was tabled to the May meeting.

**ANNOUNCEMENTS:**

**Re-Appointments to CWC** – Ray Nichols noted that the terms of the appoints of Russ Furnari, representing the NJ Chamber of Commerce, Mary Beth Koza, representing the NJ Business and Industry Council, and George Hawkins, representing the Public, are all due to expire on July 15, 2006. In accordance with the Council's enabling legislation, all will continue to serve until the Governor appoints their successors, based upon recommendations from their respective nominating organizations.

**ADJOURNMENT**





## **NEW JERSEY CLEAN WATER COUNCIL**

**July 11, 2006  
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, Pamela Goodwin, George Hawkins, Mary Beth Koza, Steven Lenox, Tony McCracken Lou Mason Neely, Ray Nichols, Pat Pittore, Jessica Sanchez, Dan Van Abs, Ray Zabihach

**Others:** Larry Baier (DEP), Karen Cerra (AEA), Barabara Hirst (DEP), Jacob Gibs (USGS), Rick Kropp (USGS), Jon Zangwill (DRBC)

Meeting convened at 10:10 by Vice Chair Russ Furnari.

### **GUEST PRESENTATION BY DEP STAFF:**

Barbara Hirst, Chief of the Bureau of Environmental Analysis and Restoration, Division of Watershed Management discussed the Preliminary Approaches to Developing TMDLs Due to Biological Impairments being developed by DEP. Biological monitoring has been conducted by DEP for over 15 years. Over 800 stations have been sampled once every five years, yielding three rounds of sample data. Results have been quite variable. Independent variables include: precisely where and when the samples are collected, and degree of classification of macroinvertebrates (family, genus or species). In addition, it has been shown that waterways in the Pinelands need to be analyzed differently than other muddy bottom streams. Therefore, assessment of the data is very complicated.

Barbara discussed how DEP has set very high standards for unimpaired streams based upon highest and best uses of fishable/swimable and drinkable. The goal is to return impaired streams to as close to pristine condition as possible.

### **Presentation by Ray Zabihach and Dan Van Abs on “Recommendations for Stormwater Utility Implementation in NJ”**

Ray and Dan discussed the findings of a study done by CDM for Morris County about Stormwater Utilities as they have been set up and operated in other states. See handouts distributed on 6-12-06 & 7-11-06 for details.

### **OLD BUSINESS:**

### **Planning for the annual CWC public hearing:**

Two topics were discussed as possible subjects for the Annual Public Hearing scheduled for October 10, 2006: Preference was given to the WQMP Rules with backup being Stormwater Utilities. A committee was named to plan for the hearing, consisting of Tony McCracken, Pam Goodwin, George Hawkins, Amy Goldsmith, Mary Beth Koza, Russ Furnari, Ray Nichols and

Larry Baier. They would meet by telephone conference on August 8, in lieu of a regular meeting.

**ADJOURNMENT**

**\*\*THE NEXT MEETING WILL BE ON SEPTEMBER 11, 2006, BEGINNING AT 10:00 A.M. \*\***

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