

NEW JERSEY CLEAN WATER COUNCIL

**January 8, 2008
Meeting Highlights**

Location:

New Jersey Environmental Infrastructure Trust Conference Room, 3131 Princeton Pike, Office Building 6, Suite 201, Lawrenceville, New Jersey.

Attendees:

Members: Ferdows Ali, Stan Cach, Jim Cosgrove, Russ Furnari, Amy Goldsmith, Mary Beth Koza, Lou Mason Neely, James Requa, Jessica Sanchez, Tony Valente and Ray Zabihach

Others: Helen Heinrich, Chris Strum, Marie Banasiak, David Sayers, Joe Mattle, and Gerry Skrajewski

The meeting was convened by Russ Furnari at 10:05 a.m.

APPROVAL OF DECEMBER 2007 MEETING HIGHLIGHTS:

The Minutes were recommended for approval after the correction of typos. Lou Neely made the Motion to approve the Minutes, and Jim Cosgrove seconded the Motion.

DEP UPDATES:

No Report.

OLD BUSINESS:

Public Hearing – An electronic version of the Clean Water Council Public Hearing transcript was forwarded to all the CWC Members. Hard copies of the document were given to those on the Public Hearing Ad-Hoc Committee.

A vote to approve the appointments of Russ Furnari as Chair, Jessica Sanchez as Vice-Chair, and Pam Goodwin as the 2nd Chair was taken. The terms will be for 2 years. Lou Neely made the motion to accept these appointments, and Jim Requa seconded the motion. They were unanimously approved.

Report of Education Event Planning Committee: No Report.

NEW BUSINESS:

Joe Mattle gave a Power Point Presentation on the New Jersey Water Supply Plan and provided the following update:

The 1981 New Jersey Water Supply Management Act (N.J.S.A. 58:1A-1 et. seq.) mandated the development and the completion of periodic revisions to the New Jersey Statewide Water Supply Plan (NJSWSP) to improve the management and protection of the State's water supplies. The first Statewide Water Supply Plan was adopted in 1982. Following updates to the Plan released in 1983, 1985, 1987, 1991, and 1993, the first comprehensive revision of the NJSWSP was completed in 1996. The most recent update to the water supply planning process, entitled "Water Supply Action Plan 2003-04," consisted of an outline and progress report on key capital infrastructure projects and water resource evaluations previously identified in the Plan.

The current update of the NJSWSP builds on the 1996 release of the NJSWSP in an effort to address mounting challenges to traditional water supply management in New Jersey. The primary focus of the NJWSP is to ensure that sustainable water supplies are available to meet current and projected water supply demands while protecting existing users, the ecological health of the water system and water dependant species within the prescribed planning horizon. A key component of this effort is to guarantee water availability during periods of relative stress, including weathering the drought of record. The following are key objectives of the 2008 revision of the NJWSP:

- * Define current water use trends and quantify the volumes of water used, within each of the State's 151 11-digit Hydrogeologic Unit Code (HUC11) watersheds;
- * Calculate current depletive and consumptive water loss values for each HUC11; both positive (net loss) or negative (net gain);
- * Develop water budgets for the watershed and confined aquifer planning areas to determine which areas have exceeded or are in danger of exceeding the planning thresholds identified in this Plan;
- * Determine whether existing approved (allocated) resources exceed sustainable thresholds;
- * Identify and quantify the location of potential supplemental sources of sustainable supply;
- * Define overarching water supply policies to support State objectives, including the preservation of existing water supply resources, the restoration of "stressed" areas, and to support economic growth and future development within sustainable limits;
- * Identify statutory, policy and regulatory actions that are necessary to ensure an adequate statewide water supply to meet anticipated demand.

The CWC wants to be involved going forward in the process. The Members are willing to work with the DEP in the Stakeholder process.

ANNOUNCEMENTS:

The date for February's Clean Water Council Meeting has been changed. The new date is February 5th, and the meeting will be held at the DRBC. Russ is going to send a formal request to Eileen Swan to have Dan Van Abs give a Presentation on the Highlands Regulations.

It was recommended that at March's CWC Meeting, a discussion should be held about what the Council's goals are for 2008.

ADJOURNMENT:

The meeting was adjourned at 12:00 p.m. with a motion from Ali Ferdows, and it was seconded by Jim Cosgrove.

- ** The next Clean Water Council Meeting will be held on February 5, 2008 beginning at 10:00 A.M., at the DRBC in the Goddard Conference Room at 25 State Police Drive, West Trenton. **

NEW JERSEY CLEAN WATER COUNCIL

**February 5, 2008
Meeting Highlights**

Location:

Delaware River Basin Commission, 25 State Police Drive, West Trenton, NJ.

Attendees:

Members: Ferdows Ali, Jim Cosgrove, Russ Furnari, Amy Goldsmith, Mary Beth Koza, Tony McCracken, James Requa, Jessica Sanchez, Tony Valente and Dan Van Abs

Others: Chris Sturm, Jeff Reading, Gerry Skrajewski, Marie Banasiak, Otto Zapecza, Bob Tudor, Pamela V'combe, Ken Najjar, Gregg Rackin, Chad Pindar, Laura Tessieri

The meeting was convened by Russ Furnari at 10:05 a.m.

NEW BUSINESS:

Dan Van Abs presented an overview of the genesis and provisions of the Highlands Act. The Highlands Region comprises the entirety of 88 municipalities in seven counties, or approximately 860,000 acres. The Region is split almost equally between a Preservation Area, where local conformance with the Regional Master Plan (RMP) is mandatory, and a Planning Area, where conformance is voluntary. The Highlands Region is 18% of the state but provides well over half of its potable water supply. The Highlands Council, formed by the Highlands Act to develop and implement the RMP, has funding and other incentives to encourage and pay for Plan Conformance.

Dan then discussed the major distinctions between the 2006 Draft RMP and the 2007 Final Draft RMP. They include the following issues related to water resources and infrastructure:

- Land Use Capability Map – The Highlands Act requires this map as the basis for development capacity in the Region; it is addressed in the Final Draft RMP as a five-map series addressing the general overlay zones, utility service areas and capacity for water supply and wastewater, allowable septic system densities, and water availability. The 2006 Draft RMP had only the general overlay zones, and was based on much lower resolutions (minimum mapped areas of 640 acres, versus 75 acres in the Final Draft RMP).
- Septic System Densities -- The septic system densities are new to the Final Draft RMP. The existing NJDEP rules will continue to apply in the Preservation Area. In the Planning Area, densities are established based on nitrate targets and drought ground water recharge.
- TDR Potential Receiving Zones – New to the Final Draft RMP are initial analyses of areas that might serve as receiving zones, if the municipality decides to pursue designation and the area is compatible with RMP policies for protection of environmentally sensitive lands, utility capacity, etc.
- Lake Management Areas and Lake Community Sub-zone – New to the Final Draft RMP, this program focuses attention on lake areas for protection of lake ecosystems, lake water quality and lake scenic resources. Each of the three purposes has a related distance from the lake in which specific policies apply.

- Forest Management – The Final Draft RMP is significantly changed from the 2006 Draft, better recognizing the Highlands Act exemption for certain forestry practices while encouraging more environmentally protective forestry practices, and ensuring that development does not damage forest resources.
- Karst Topography – New to the Final Draft RMP are policies related to the identification of karst topography in areas of carbonate bedrock, and the design of development to protect water quality and public health and safety.
- Cluster Development – The Final Draft RMP includes significantly stronger and more detailed policies on cluster development, which is required in certain areas to protect agricultural resources from subdivisions that would destroy the agricultural potential of the land. Clusters are allowed in other areas, with specific policies regarding clustering on septic systems and sewers. Clustering on sewers is not permitted in the Preservation Area. In all cases, the Final Draft RMP calls for preservation of 80% of the project area.
- Net Water Availability and Water Deficit Mitigation – The Final Draft RMP provides more detail on the methods for achieving water deficit reduction. Water management plans are required from conforming municipalities to address the water deficits. A requirement is added for 125% mitigation of new consumptive and depletive water uses where deficits exist, allowing some new uses while limiting those new uses to a specific amount. As with the 2006 Draft RMP, the most stringent constraints on water availability occur within the Protection Zone; the Conservation Zone has intermediate constraints and the Existing Community Zone has the least stringent constraints. The technical method used in the RMP to determine water availability is the same method used by NJDEP in the upcoming Statewide Water Supply Plan, but with more stringent thresholds than the statewide threshold for all three Zones. Nearly two-thirds of the Region's subwatersheds are in deficit.

It was recommended that at March's CWC Meeting, in addition to discussing the testimony from the 2007 Public Hearing (Water Infrastructure), a discussion should be held regarding the Council's goals for 2008 and proposed topics for the 2008 Public Hearing.

The Commissioner will be invited to the April 8th CWC Meeting to discuss the results of the Public Hearing and new initiatives the CWC is considering. The Meeting will be held in the DEP Building to make it easier for the Commissioner to attend.

Russ was at a Low Impact Development Conference Workshop and there was a lot of information that came out that tied into CSOs and other big issues from the Water Quality perspective.

LIDs/CSOs/Climate Change - these are all issues that would be covered under an umbrella of future sustainability as subcategories. Even though NJ is getting more rainfall, we're not necessarily capturing it. Also, how will the lack of snow affect us. Snow melt is occurring earlier because of the climate change. These are issues that the CWC might want to consider for this year's Public Hearing.

The New Jersey Water Resources Research Institute is sponsoring a Conference on the Impacts of Climate Change on Water Resources on April 15th in New Brunswick.

The schedule for the CWC 2008 Meetings was discussed. The Public Hearing will be held on Wednesday, October 15th because the DEP's Public Hearing Room was not available on any Tuesday in October. Also, November 11th is a State Holiday so November's CWC Meeting will be held on Wednesday, November 12th.

APPROVAL OF JANUARY 2008 MEETING HIGHLIGHTS:

The CWC Members requested that specific recommendations which were made by Council Members during Joe Mattle's Presentation on the New Jersey Statewide Water Supply Plan be included in the Minutes. Therefore, the Minutes were not approved.

DEP UPDATES:

Jeff Reading – Proposal for revised NJPDES Rules was signed off by the Commissioner and should be published in March. Water Allocation Rules got an extension to February 2009. Water Supply Rules are still being worked on.

OLD BUSINESS:

Public Hearing – Due to everyone's schedule, a meeting has not yet been held to discuss the Public Hearing, but a meeting will be held very soon. Russ said that he was not pleased with the transcript. He feels a poor job was done by the Stenographer, and the Report is very hard to read. Class Act Reporting will be contacted and will be asked to re-transcribe the Report.

ANNOUNCEMENTS:

PSEG's Global Green Expo, one of the biggest and most comprehensive Earth Day Events, will take place on April 25, 26 and 27 at Liberty State Park. The Event is designed to educate the state's residents and businesses about what they can do to make a difference in the battle against climate change.

Jessica thanked everyone for coming to DRBC today. Russ and the Council thanked Jessica and the DRBC for their hospitality in hosting the CWC Meeting. The accommodations were excellent, and refreshments that were provided were very much appreciated.

ADJOURNMENT:

The meeting was adjourned at 12:00 p.m. with a motion from Jessica Sanchez, and it was seconded by Tony McCracken.

** The next Clean Water Council Meeting will be held on March 11, 2008 beginning at 10:00 A.M., at the NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ. **

NEW JERSEY CLEAN WATER COUNCIL

**March 11, 2008
Meeting Highlights**

Location:

New Jersey Environmental Infrastructure Trust Conference Room, 3131 Princeton Pike, Office Building 6, Suite 201, Lawrenceville, New Jersey.

Attendees:

Members: Ferdows Ali, Stan Cach, Russ Furnari, Amy Goldsmith, Pamela Goodwin, Tony McCracken, Lou Neely, James Requa, Jessica Sanchez, Tony Valente, Dan Van Abs and Ray Zabihach

Others: Chris Sturm, Rick Kropp, Helen Heinrich, Narinder Ahuja, and Gerry Skrajewski

The meeting was convened by Russ Furnari at 10:15 a.m.

APPROVAL OF FEBRUARY 2008 MEETING HIGHLIGHTS:

Dan Van Abs made the motion to approve the February minutes, and Ray Zabihach seconded the motion. The minutes were approved as distributed. Also, the January minutes were recommended to be approved as revised. Ray Zabihach made the motion to approve the minutes, and Jessica Sanchez seconded the motion.

DEP UPDATES:

Narinder Ahuja reported that the NJPDES Rules were signed, and they will be published in the March 17, 2008 Register. Public Hearings are scheduled for April 21st at the Rutgers Labor Education Center and May 8th at the Rutgers EcoComplex..

Stan Cach distributed handouts on the 2008 Clean Watersheds Needs Survey (CWNS). The U.S. Environmental Protection Agency (USEPA) requires the State of New Jersey and other states to document the capital costs of municipal wastewater treatment and collection facilities and the costs to implement non-point source pollution controls. The data from the individual states is reviewed by USEPA for conformance with the Documentation Criteria and compiled to produce a Report to Congress, which will be entitled the 2008 Clean Watersheds Needs Survey (CWNS).

According to the USEPA, the 2008 CWNS Report to Congress will be the primary source for Congress to determine future state allocations for the Clean Water State Revolving Fund (CWSRF) program. New Jersey currently receives the sixth largest share (about 4.13 percent) of the federal funds appropriated to the CWSRF program nationally. New Jersey's 2004 CWN are over \$13 billion. Over the years, the federal budget for the CWSRF programs has ranged from a high of \$2.4 billion to a low of \$689 million (for FFY2008). A mere 0.5 percent change in the State's share could cost New Jersey as much as \$5 million to \$10 million or more annually. Therefore, it is very important to provide a comprehensive and accurate account of our clean watersheds needs to Congress through this process. Response to this survey is critical so that New Jersey continues to receive its fair share of the available monies.

The CWNS survey is a national assessment of the water pollution control needs. It estimates the capital costs to upgrade, expand, and/or construct publicly owned wastewater treatment facilities on a facility-by-facility basis. In addition, the costs to implement non-point source (NPS) pollution control needs from agricultural cropland sources, animal sources, silviculture, urban sources, groundwater protection (including unknown source), marinas, resource extraction (mining, quarrying), brownfields, storage tanks, sanitary landfills, hydromodification, and individual/decentralized sewage treatment; and the costs to manage the pollution from confined animals-point sources, mining-point sources, recycled water distribution and estuary management are also to be reported to Congress.

With any needs reported, we require a copy of the backup documentation sent to us so we can forward it to the USEPA for their review. The content of the backup documentation includes (1) the description of the water quality or public health problem, (2) the location of the problem, (3) the solution to the problem, (4) the cost for each solution, (5) the basis of the cost, and (6) the total cost. Finally, we are looking forward to receiving your response by Friday, May 16, 2008 or as soon as possible thereafter. Responses received after September 15, 2008 may not be able to be included in the Report to Congress.

A discussion was held regarding “Assessing Needs”. The needs to improve, preserve the water environment, or meet water quality standards over the next 20 year horizon should be included.

Article published in the Trenton Times on February 25, 2008, regarding “Governors appeal to feds for help on fixing infrastructure” was distributed.

Narinder commented that the federal allocations for SRF are shrinking and are grossly inadequate to meet the State’s infrastructure needs. At the ASWIPCA Conference, which he attended, all states expressed frustration and disappointment over these cuts. Efforts to have the funding levels restored are continuing. A Water Trust Fund to meet the water infrastructure needs of the nation is being pursued. The current draft includes consideration of many different revenue sources (including fee on bottled beverages) to raise at least \$10 billion per year.

The issue of pharmaceuticals being found in water was discussed. It was recommended that Eileen Murphy come and speak at a Clean Water Council meeting in the future. Rick Kropp said that 5 years ago we didn’t have the technology to detect the pharmaceuticals, but today we do. The DEP is funding studies to see how components affect the process. The Department should be addressing the realities of drugs in our water.

Dan said that we have to get away from the “whack a mole” mentality. We need to have technologies in place to monitor the whole class of contaminants.

Rick Kropp reported that Critical Area 1 is done and is on the Web. Critical Area II report is being completed and will be done in 3 – 6 months.

OLD BUSINESS:

Public Hearing “Water Infrastructure” – The Ad-Hoc Committee distributed handouts to the CWC members. One handout was from Dan Van Abs and Chris Sturm; one from Russ Furnari; one from Amy Goldsmith; and there was a draft letter, prepared by Jessica Sanchez, to the Commissioner regarding the “Recommendations Derived from the CWC’s 2007 Public Hearing on New Jersey’s Water Infrastructure”. In the letter, there are several points which have been identified to summarize the issues. Overall the 4 key issues are:

- **Build assets in the right place for the right reason with redevelopment as a priority.** Communities may have to utilize consolidation of services in the future. Many communities already have shared services and that realizes into a tax break for their customers. Issues include the need to understand infrastructure limits and needs regarding redevelopment, not just in urban areas but also in older suburbs.
Use financial and human resources to protect the resources we rely on. Make sure the design of systems going forward are the most efficient that you can have. There is low impact development technologies; other types of reuse that are a part of total management; and as you look at that, you can increase the development in areas that have issues and reduce the stress on ecos, stormwater, etc.
- **Manage assets based on performance standards while minimizing life-cycle costs.** Based on some of the very good comments from CCMUA, the ACUA and some others, there are organizations out there that are doing a good job of managing their assets; identifying how things will work and how to manage those pieces efficiently; and using that planning and assessment to really run an efficient operation. They make use of the Infrastructure Trust and Fund, but also manage so that their rates do not go up, and they make provisions for the future.
- **Relying on reserves to handle all maintenance and replacement costs and bond only for the largest infrastructure projects.** In part, over time, reserves have been built to be able to handle certain maintenance cost from those reserves, but there was a Legislative change that was made that allowed municipalities to take those reserves and apply them to other needs which had not been allowed previously. This is an issue that should be corrected.

NEW BUSINESS:

The Goals for 2008 will probably be realized by following through on the 4 major issues identified in the letter to the Commissioner. Also, after the meeting with the Commissioner, we can focus on what issues we may want to consider for this year's Public Hearing which will be held on October 15th.

ANNOUNCEMENTS:

A Conference is scheduled on April 3 and 4 at which the NJ/NY Harbor Consortium, which was formed in 97/98, will discuss their project to apply industrial ecology techniques to developing pollution prevention programs for various pre-identified toxics or issues in the harbor.

Because of the expected demise of the Department of Agriculture, a hand-out with facts about the Department of Agricultural and why New Jersey is called "The Garden State", etc., was distributed. If you feel it is appropriate, please write letters to the Legislature.

There is a Workshop at Rutgers on April 15th regarding Impacts on Climate Change on Water Resources.

ADJOURNMENT:

The meeting was adjourned at 11:50 p.m. with a motion from Ali Ferdows, and it was seconded by Amy Goldsmith.

**** The next meeting of the Clean Water Council will be on April 8, 2008, beginning at 10:00 A.M., at the NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ ****

NEW JERSEY CLEAN WATER COUNCIL

April 8, 2008
Meeting Highlights

Location:

New Jersey Environmental Infrastructure Trust Conference Room, 3131 Princeton Pike, Office Building 6, Suite 201, Lawrenceville, New Jersey.

Attendees:

Members: Ferdows Ali, Robert Breslin, Stan Cach, Jim Cosgrove, Russ Furnari, Amy Goldsmith, Pamela Goodwin, Tony McCracken, Lou Neely, James Requa, Jessica Sanchez, Chris Strum, Tony Valente, and Ray Zabihach

Others: Rick Kropp, Helen Heinrich, Tony DiLodovico, Karen Cerra, William Dunn, Marie Banasiak, Diane Alexander, Narinder Ahuja, Debra Hammond and Gerry Skrajewski

The meeting was convened by Russ Furnari at 10:05 a.m.

Russ announced that Mary Beth Koza has relocated and is no longer on the CWC. NJBIA will need to nominate someone to take her place.

Everyone introduced themselves because there was a new member and several guests attending this meeting.

APPROVAL OF MARCH 2008 MEETING HIGHLIGHTS:

Lou Neely made the motion to approve the March minutes, and Ray Zabihach seconded the motion. The minutes were approved as distributed.

DEP UPDATES:

Narinder Ahuja reported the following:

Treatment Works Approval (TWA) Fees are being increased by 7.4%. It is a self-supporting Program, and the fee increase is necessary because of increased operating costs, that includes cost of living and merit raises for the Program staff. The new fee schedule will become effective on July 1, 2008, and the minimum fees for smaller projects will remain unchanged. Details can be reviewed on the Department's website.

The Department will be proposing to readopt, with amendments, Rules for Licensed Operators for Water and Wastewater Facilities. The document is currently under internal review.

NJPDES Rules – a briefing will be held for AEA members on the NJPDES Rules proposal, but a date has not been set yet. The CWC members will be notified of the date so that those wishing to attend can do so. The cut-off date to receive comments on the NJPDES Rules is May 16th.

The Commissioner has issued an Executive Order announcing a special Permit Efficiency Review Task Force to review various permit processes at DEP.

NEW BUSINESS:

Debra Hammond gave a Presentation on:

Water Quality Assessments - Pursuant to the Federal Clean Water Act, Sections 303d and 305b, States are required every 2 years to submit a report to EPA on water quality conditions and the list of impaired waters. The DEP is working to submit a draft 2008 list and the integrated report to EPA in June. There is a lot of new data to consider. The list and the report will be issued together so that the trends can be explained. Overall water quality has improved. However, due to the more stringent standards, there are still many water bodies not meeting the current criteria.

The Integrated Report will tell how the standards and water quality have changed. Some positives are that we are opening more waters for shellfish. We are finding trout production in places it didn't exist before. The Peckman River is a success story. Their water quality did improve through the efforts of the wastewater treatment plants and the local communities.

It is hard to compare New Jersey's waters with other States' waters because there are many different assessments. Assessment units, criteria and monitoring vary between states. Surface Water Quality Standards (SWQS) – In 1993, adopted new criteria which resulted in the USFWS biological opinion. In 1996, the DEP proposed to overhaul the SWQS as part of the "Mega Rule", but it was not adopted. So in 1997, the DEP re-proposed the SWQS with some classification changes, and it was adopted in May 1998. That is the last time the SWQS were re-adopted. The Administrative Procedures Act requires all agencies with Rules to re-justify the existing Rule and readopt them on a periodic basis. Since the last re-adoption in 1998, the SWQS have gone through 7 rounds of amendments. Five (5) of those 7 were to upgrade waters to Category 1. There have been 6 formal petitions for rule making that have had to be addressed. In 2005, there was a major initiation to re-adopt the rules and there were significant amendments to the water quality criteria to make them more stringent and reflect that more people were eating fish. In 2006, we did adopt those revisions to toxics, pathogens and temperature, but did not readopt the SWQS. In May 2007, we proposed to incorporate definitions that would refine how we do Category 1 water and propose 900 miles to be designated as Category 1. Adoption of the proposal for the amendment to the SWQS is due May 2008, and the adoption of the entire SWQS has been extended to March 2009. The SWQS are incorporated into how the NJPDES Program develops their effluent limits and their permit conditions.

The Department solicited input from stakeholders to assist in identifying amendments needed to the SWQS. Comments were received from 18 groups. Changes were identified for: copper, cyanide, chlorine produced oxidants (CPO), temperature, wildlife criteria, and nutrient criteria and additional changes to the definitions for Category One. The Department also received input from other DEP offices that implement the SWQS. The Department is planning to work on some of the amendments identified by internal and external stakeholders.

OLD BUSINESS:

The draft letter to Commissioner Lisa Jackson and the summary of the Public Hearing "Water Infrastructure" was distributed to the CWC Members for their discussion. A comment was made that the documents were hard to follow, and it was recommended that only one document, the letter to Commissioner Jackson, be sent. Russ requested "volunteers" who will summarize the public hearing and offer our recommendations. Amy Goldsmith, Chris Strum and Jessica Sanchez agreed to prepare the new document.

Also, during the meeting with the Commissioner, the Council will request any ideas she has for a relevant and timely topic for the upcoming public hearing in October. Note that Gerry will forward to the CWC Members the list of topics that were evaluated prior to selecting the topic for the 2007 Public Hearing.

ANNOUNCEMENTS:

None

ADJOURNMENT:

The meeting was adjourned at 12:00 p.m. with a motion from Jim Cosgrove, and it was seconded by Amy Goldsmith.

**** The next meeting of the Clean Water Council will be held on May 13, 2008, beginning at 9:30 A.M., at the NJDEP Building – 3rd floor Large Conference Room.**

**** *NOTE THAT SUBSEQUENTLY THE MEETING WAS CHANGED TO MAY 20th TO ACCOMMODATE THE COMMISSIONER'S SCHEDULE. THE MEETING WILL BE HELD ON MAY 20TH AT 9:00 AM IN THE 7TH FLOOR LARGE CONFERENCE ROOM.* ****

NEW JERSEY CLEAN WATER COUNCIL

**May 20, 2008
Meeting Highlights**

Location:

NJDEP, 401 East State Street, 7th floor large conference room, Trenton, New Jersey.

Attendees:

Members: Ferdows Ali, Robert Breslin, Stan Cach, Jim Cosgrove, Russ Furnari, Amy Goldsmith, Pamela Goodwin, Tony McCracken, James Requa, Jessica Sanchez, Chris Sturm, Dan Van Abs and Ray Zabihach

Others: Lisa Jackson, Nancy Wittenberg, Narinder Ahuja, Dennis Hart, Michele Putnam, Ed Post, Marie Banasiak - NJ Farm Bureau, William Dunn – Mt. Holly MUA & AEA, and Gerry Skrajewski

The meeting was convened by Russ Furnari at 9:15 a.m.

APPROVAL OF APRIL 2008 MEETING HIGHLIGHTS:

Jim Cosgrove noted a few typos in the Minutes. Jim then made the motion to approve the April minutes, as corrected, and Jim Requa seconded the motion. The minutes were approved.

OLD BUSINESS:

A pre-meeting, before the Commissioner's attendance, was held to talk about how to proceed with presenting the CWC's issues regarding last year's Public Hearing on Water Infrastructure to the Commissioner. Commissioner Lisa Jackson has already received the letter from Council Chair Russ Furnari and has been briefed on it. Discussion was held to further clarify a couple points addressed in the letter. It was decided that the Summary written on the last page of the letter would be used as the catalyst for the meeting with the Commissioner. The summary points were:

- Learn from past mistakes.
- Approach all water resource issues in an integrated, holistic way.
- Be innovative with options for planning and management, funding and financing.
- Evaluate options for possible unintended consequences.
- Think several generations (not just 20 years) ahead so as to meet challenges imposed by changing conditions.
- Educate and consult; be inclusive in process.

Commissioner Jackson joined the meeting and Russ thanked her for coming to meet with the CWC to discuss last year's Public Hearing topic of Water Infrastructure. Russ said that the hearing was positive from a perspective of excellent attendance and public participation. The Council Members and Guests introduced themselves. Russ highlighted the summary of his letter to initiate the discussion with the Commissioner. He asked for her thoughts on these issues and asked for her recommendation for this year's public hearing topic.

Commissioner Jackson opened her comments by noting that NYC had another water main break this morning. Because of problems like this that keep occurring, she said she was not surprised by the interest in this very critical topic - Water Infrastructure. She thanked the CWC for all their hard work and efforts in this important subject. The CWC's meeting summary, in terms of a management approach, is a smart way to start. Additional time and work needs to be spent on this very vital area of water infrastructure, and it will tie in with initiatives that are on-going, whether it's Water Quality Management Planning, Water Supply Master Plan, or Green House Gas recommendations. In a time when the real estate market is where it is, and there is an economically enforced slow-down in the development process, it is a good time to think about the type of investments that should be made and how to prioritize them from a state, public, and private investments point of view.

Learn from past mistakes – since water infrastructure is one of the older fields, we should know what not to do which is as important as what to do.

The Commissioner said she likes the idea of integrated and holistic management. How does the Department accomplish this and what emphasis and momentum can we build around it? The Department has made an approach in the Water Quality Management Planning Process to be County-based. There has been considerable success in moving forward with that model and the CWC might want to look at it.

The Commissioner said she likes the idea of innovation and integrating all the major planning initiatives into a vision, projecting over the next 20 – 30 years, of what we want our State to look like. NJ's water infrastructure will be a critical factor in all future planning initiatives. Strong leadership will be needed at the highest level; such as, quarterbacking, whereby any future planning will need to incorporate the coordination of the investments in NJ's water infrastructure with Federal, State, County and Municipal Government Sectors. It was recognized that asset management is being utilized currently in the State utilities; however, a push-back by the consumers is being realized because of the continuing increases in the utility rates. It was noted, therefore, other innovative and creative financing initiatives, as well as additional Federal and State funding, will be needed to realize the ultimate planning objectives. NJ communities are being challenged, not only with improving their water environmental infrastructure, but also maintaining their utilities, too. The Department could consider, for Local Government Units utilizing NJ's Environmental Infrastructure Financing Program (NJEIFP), providing a loan condition so that the loan recipient must commit to adopt a user charge system that provides for the operation, maintenance and replacement costs for their water environmental infrastructure.

Dennis Hart reported that in this country, the Federal government is spending 6/10 of one percent of our Gross Domestic Product (GDP) on Water and Sewer Infrastructure. During President Reagan's years, it was 1.2 percent, or twice the amount; and during President Kennedy's years, it was three times the amount. There are 80,000 miles of water and sewer pipe in the ground which was built before the Wall Street Crash of 1929. Every year under President Bush's Administration, the Federal Clean Water Act funding has been reduced. NJ's Taxpayers and Legislature have not invested in NJ's water environment infrastructure since 2003. The NJEIFP is running out of SRF funds. Note that NJ's Clean Water and Drinking Water needs, as of 2004, is \$20 billion.

There are needs which could be put into 3 categories: needs that utilities can afford; needs that utilities can't afford; and big ticket needs, such as, CSOs. We need a system to address all three different needs.

Areas of focus to consider for next year's Public Hearing:

- 1) Funding on the Federal and State level for Water Environment Infrastructure for urban areas where there is a huge need, as well as on-going investments;
- 2) How to make sure utilities are doing a good management job and how to pay for it;
- 3) Center-based development in the rural areas which are likely to be more sprawling at a lower density.
How can we encourage the right kind of growth in concert with creative energy conservation sources?

There has been discussion of a water tax to preserve open space, and the public understands this need. However, people don't understand or necessarily want a tax for water infrastructure. The Community's residents and their consultants talk about how to revitalize a town environmentally. The Commissioner said that we need to have people think about water infrastructure the same way they think about roads/highways as a means to invest in our economy. The Commissioner referred to the Transportation Trust Fund and said that the Council should consider investigating their marketing initiative as a model to stimulate universal public interest and support in NJ's water infrastructure.

The CWC realizes that we need to consider long-term solutions to the water infrastructure problem because of the current financial crisis the State is experiencing. Residents aren't usually sensitive to their water infrastructure needs, i.e., it is taken for granted, whereas the business community does so in favoring to locate and develop where adequate water infrastructure exists.

Pam Goodwin attended a Seminar on climate change and sustainability, and she said the speaker, Professor Eric Wolfe from Princeton University, was excellent. Pam recommended that he speak at this year's Public Hearing or at a future CWC Meeting. The Council told Pam to check with Professor Wolfe on his availability.

The CWC could invite speakers from DCA and BPU to the Public Hearing to get practical viewpoints for the communities. Other topics discussed were: innovative financing; federal/state funding updates; asset management; asset growth; and what do we want NJ's towns to look like in the future.

A discussion was held regarding the major constraints and bureaucratic impediments that need to be overcome. Examples were given where: present governance program's rules restrict innovation; confronted by numerous regulations from DEP/DCA/BPU; and challenged with economic and financing hardships. It was agreed that strong leadership needs to exist in order to implement the desired, integrated, approved environmental infrastructure plan.

Russ informed the Council that he will not be at June's CWC Meeting because he has to attend Jury Duty. Chris Sturm, Amy Goldsmith, Jessica Sanchez, Jim Requa, Narinder Ahuja, and Russ will work on doing an outline for the Public Hearing and what to continue to explore regarding water infrastructure. Dan Van Abs will assist by reviewing the draft document.

DEP UPDATES:

Narinder said that two people, Bill Wolfe and Dennis Palmer, testified at the public hearing for the proposed NJPDES Rules. The Licensed Operator Rules were drafted and are being reviewed. Lastly, Narinder commended the CWC for their excellent accomplishments over the past year and their water infrastructure recommendations to the Commissioner.

NEW BUSINESS:

None

ANNOUNCEMENTS:

None

ADJOURNMENT:

The meeting was adjourned at 11:30 p.m. with a motion from Jessica Sanchez, and it was seconded by Ray Zabihach.

**** The next meeting of the Clean Water Council will be on June 10, 2008, beginning at 10:00 A.M., at the NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ ****

NEW JERSEY CLEAN WATER COUNCIL

June 10, 2008
Meeting Highlights

Location:

New Jersey Environmental Infrastructure Trust Conference Room, 3131 Princeton Pike,
Office Building 6, Suite 201, Lawrenceville, New Jersey

Attendees:

Members: Ferdows Ali, Stan Cach, Jim Requa and Jessica Sanchez

Others: Helen Heinrich and Gerry Skrajewski

The meeting was convened by Jessica Sanchez at 10:20 a.m.

APPROVAL OF MAY 2008 MEETING HIGHLIGHTS:

Since there were not enough members present to have a quorum, May's Minutes will not be approved until July's CWC meeting.

DEP UPDATES:

None.

OLD BUSINESS:

As a result of a Conference Call held on June 5th, there was a suggestion to prepare a strategy document and distribute it for comment to the public prior to the public hearing. If the CWC decides on this process, that would require the public hearing to be held later in the year (December) instead of the proposed October 15th date. Gerry will check on the availability of the Public Hearing Room for December and then coordinate the Commissioner's calendar so that she's available, also.

Jessica said that Chris had called her and recommended that we streamline the Proposed Topics even further to two basic issues: raising funds for environmental infrastructure improvements and asset management. A discussion followed in ways to integrate the institutional planning component and the economic/financial component. We need to continue asset management, but explore other creative alternatives. Is the current system of Asset Management completely broken? Is there someone out there who is already doing a good job of Asset Management? Funding and financing of environmental infrastructure projects are important to the current Administration. How could NJ get maximum funding? We need to continue to press our Congressional and State representative delegates for their continued support in providing additional funding for NJ's environmental infrastructure projects.

The adequacy of New Jersey's infrastructure impacts New Jersey's economy. Incorporating smart growth initiatives in development planning is consistent to our vision of New Jersey. Public Hearing topics could include innovations for financing, cost pricing, and green technology while defining the obstacles to implement smart growth development projects. Public Hearing speakers could include Commissioner Joseph Doria (DCA), Commissioner Jackson (DEP), Professor Eric Wolfe from Princeton, and a leading private sector representative. More time for public testimony will be allotted.

The Commissioner challenged the CWC to present their vision for New Jersey. Defining a strategy would be beneficial to local and state officials. A strategy based on expert testimony and input on innovation, asset management, and all relevant aspects of smart growth projects. Consider a Public Hearing Logo similar to the Olympics Logo; i.e., 5 interlocking rings symbolizing Energy/Water/Wastewater/Stormwater/Economy. The CWC could consider developing an interagency "CWC Strategic Implementation Plan". Then the CWC will hand it off to the Governor's Policy Director to quarterback for the whole process like they did for the Energy Master Plan.

Municipal representatives want a proven model before they invest their time and money into an innovative smart growth project. Does New Jersey have a good model project such as New York City's Battery Park Development? Experts in smart growth planning, finance, academia, local government, and green technology would be suggested good speakers.

Invite Rhea Brekke to speak at July's CWC Meeting to explain the New Jersey Corporation for Advanced Technology. Stan will check with Rhea's schedule.

We should solicit feedback from all the resources we already have available from the Associations that are represented on the CWC. They could provide the needed feedback to provide the agenda for the upcoming Public Hearing, and assist in developing the strategy. We need to ensure that the CWC Members carry the info from the CWC Meetings/Hearing back to their respective membership, etc.

NEW BUSINESS:

Jessica requested Gerry to update the list of CWC Members so we can see where we need to request a replacement (as in the case of Mary Beth Koza from Business and Industry).

ANNOUNCEMENTS:

None

ADJOURNMENT:

The meeting was adjourned at 12:15 p.m. with a motion from Jim Requa, and it was seconded by Jessica Sanchez.

**** The next meeting of the Clean Water Council will be on July 8, 2008, beginning at 10:00 A.M., at the NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ ****

NEW JERSEY CLEAN WATER COUNCIL

July 8, 2008
Meeting Highlights

Location:

New Jersey Environmental Infrastructure Trust Conference Room, 3131 Princeton Pike,
Office Building 6, Suite 201, Lawrenceville, New Jersey

Attendees:

Members: Ferdows Ali, Robert Breslin, Stan Cach, Jim Cosgrove, Russ Furnari, Pamela Goodwin, Tony McCracken, Lou Neely, Jim Requa, Jessica Sanchez, and Tony Valente.

Others: Narinder Ahuja, Helen Heinrich, Dick Magee and Gerry Skrajewski

The meeting was convened by Russ Furnari at 10:05 a.m.

APPROVAL OF MAY AND JUNE 2008 MEETING HIGHLIGHTS:

Tony Valente made the motion to approve May's minutes, and Pam Goodwin seconded the motion. The minutes were approved as distributed.

Jessica Sanchez made the motion to approve June's minutes, and Jim Requa seconded the motion. The minutes were approved as distributed. Even though June's meeting was sparsely attended, there was good discussion held among the attendees.

DEP UPDATES:

Narinder Ahuja said that the Department is gearing up for the impact of the ERI (Early Retirement Incentive). Since there is still a hiring freeze, the Law says that if 10 people retire, the State can fill 1 position.

A request was made for Narinder to share the list of fee increases in the Department with the CWC.

The Permit Efficiency Task Force has been meeting, and on July 23rd they will be making their recommendations.

The Licensing of Water Supply and Wastewater Treatment Operators was published in the Federal Register and put on the DEP Website.

OLD BUSINESS:

Russ reported that as a follow-up to the 2007 hearing, the CWC met with the Commissioner and presented information to her about some of the key areas of concern. After the meeting, the general consensus was to gather additional information from experts before-hand as a prep to developing a Council White Paper on one or two specific sub-areas of the water infrastructure topic for the CWC's 2008 public hearing.

Jessica said that after the conference call of the Public Hearing's Ad-Hoc Committee, there was a recommendation to prepare a White Paper and circulate for comment. She raised two points: 1) drafting the White Paper; and 2) the timely completion of the White Paper. We should continue to seek expert advice regarding improving our past practices. There is a need to identify innovative technologies that are cost effective and incorporate green technologies and sustainable water infrastructure. Regarding Innovative Technologies, we want to know how we can do things better. Also, the funding remains a critical issue. With respect to the financial shortfalls, how can monies be allocated in new ways since there is less of it. That is why the CWC had decided to invite Dennis Hart, Executive Director of the NJ Environmental Infrastructure Trust speak on the money issues and Dick Magee from NJ ACT on the innovative issues. (Dennis was out of the office and not available to participate in today's meeting.)

From a procedural standpoint this year, note we will be moving the Public Hearing from October until later in the year. The DEP Public Hearing Room has been reserved for Monday, December 8th, and it is on the Commissioner's calendar.

There will not be a monthly CWC Meeting on August 12th, but the date will be saved to hold a Public Hearing Ad-Hoc Committee Meeting to discuss and prepare the White Paper draft.

In the past, the CWC had many non-members who would participate on the Council and on Committees. Russ requested the Members to bring additional people with them to the meetings who may have a different perspective and could bring their expertise and knowledge to the CWC.

What is the role of DCA in this year's Public Hearing? Do we need to put together relevant questions to help focus the discussion of the Public Hearing and the White Paper? In September, we should have Dennis Hart and a representative from DCA attend the Council Meeting.

NEW BUSINESS:

Dick Magee, the NJCAT Technical Director, gave a Presentation on NJCAT's Technology Verification and Certification Process (Attached).

The New Jersey Corporation for Advanced Technology (NJCAT) was created in 1997 as a public/private partnership that pools the best talents and diverse resources of business and industry, entrepreneurs, university research centers utilities, and government to promote the development and commercialization of exciting new energy and environmental technologies. NJCAT works with the NJDEP to develop and implement cost-effective innovative technologies that will benefit the environment and allow the growth of environmental technology companies in NJ. The Energy and Environmental Technology Verification Act fully integrates NJCAT's multi-media environmental and energy technology verification program with the state's regulatory programs. The criteria a vendor must meet is that they have to be able to meet DEP's permitting requirements; must reflect sound scientific and engineering principles; and must provide an environmental benefit as compared to current technology.

NJCAT authors the verification reports. They verify the performance claims of innovative environmental and energy technologies. NJCAT validates to ensure that the submitted technologies must be scientifically quantifiable and then verifiable. Vendors pay an application fee of \$1000 to NJCAT. After meeting with NJDEP to ascertain the viability of the technology,

and if the technology is accepted, the process usually takes 4 – 6 months and costs from \$20,000 - \$40,000. An academia peer review is conducted by either Stevens Institute of Technology, Rutgers University or New Jersey Institute of Technology. DEP receives no funds in this process. The verification report is then submitted to NJDEP by NJCAT for certification. The verification report substantiates the claims of the vendors. NJDEP ensures that the verification was done according to the agreed upon protocols and then prepares a draft certification report. NJDEP certifies technology if it satisfies DEP's regulatory requirements and demonstrates a New Beneficial Effect. Because of DEP cutbacks, NJCAT has been challenged by NJDEP to consider handling the whole certification/verification process.

NJCAT and CWC could work together in the future in several ways: 1) by knowing that the technology that will be put in place will deliver compared to the cost; 2) look at process that would allow regional authorities to have decentralized treatment systems; and 3) have a 3rd party, neutral group, look at doing certifications. It was recommended to have Rhea Brekke be a part of the working group for the Public Hearing.

ANNOUNCEMENTS:

None

ADJOURNMENT:

The meeting was adjourned at 11:45 p.m. with a motion from Ferdows Ali , and it was seconded by Jim Cosgrove.

**** The next meeting of the Clean Water Council will be on September 9, 2008, beginning at 10:00 A.M., at the NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ ****

****There will be an Ad-Hoc Meeting regarding the 2008 Public Hearing on Tuesday, August 12th, at 10:00 A.M., at the NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ ****

NEW JERSEY CLEAN WATER COUNCIL

**September 9, 2008
Meeting Highlights**

Location:

New Jersey Environmental Infrastructure Trust Conference Room, 3131 Princeton Pike,
Office Building 6, Suite 201, Lawrenceville, New Jersey

Attendees:

Members: Stan Cach, Jim Cosgrove, Russ Furnari, Amy Goldsmith, Pamela Goodwin,
Tony McCracken, Chris Sturm, Dan Van Abs, and Ray Zabihach.

Others: Narinder Ahuja, Rhea Weinberg Brekke, Karen Cerra. Dennis Hart, Helen Heinrich,
and Gerry Skrajewski.

The meeting was convened by Russ Furnari at 10:05 a.m.

APPROVAL OF JULY 2008 MEETING HIGHLIGHTS:

Jim Cosgrove made the motion to approve July's minutes, and Tony McCracken seconded the motion. The minutes were approved as distributed.

DEP UPDATES:

Russ asked if the Freshwater Wetlands bill was actually signed. Stan will check with Tom Micai on it.

Stan reported that the Department's Clean Water Priority List and Priority System Public Hearing will be at the Trust tomorrow (September 10th).

The Department is currently on hold for filling retirement vacancies, etc. Many important staff members left with the Early Retirement Incentive (ERI), and there have been several staff that have announced they are leaving since then.

The Permit Efficiency Task Force Report is not out yet, but the draft report is on the Web-site.

NEW BUSINESS:

Dennis Hart, Executive Director of the NJ Environmental Infrastructure Trust, was the guest speaker. Dennis said that he's glad the CWC is taking up the issue of Water Infrastructure and financing. Congress has not authorized a Clean Water Act since 1987. Now we are at a crossroads when it comes to funding of Water Infrastructure. We need a good public dialogue regarding this issue before there is a major disaster. Dennis gave a brief explanation of the Environmental Infrastructure Trust and Fund Financing Programs. After this year, the total financing that has been provided for the past 22 years is approximately \$4.5 billion. Next year may be the first year we are not able to fund all those projects who are requesting financing.

Dennis distributed copies of a Bill from Senator Lautenberg which proposes \$20 billion over five years for clean water infrastructure financing, and \$2.5 billion over five years for CSO grants. There are other Bills being proposed including a stimulus Bill. The Trust/Fund Environmental Infrastructure Financing Program that Dennis and Stan administer accomplishes three things. It protects New Jersey's water environment; it invests in water infrastructure that stimulates NJ's economy; and it provides jobs. It is a good economic program for New Jersey. 20,000 jobs are created for every \$500 million of water infrastructure projects that are constructed.

Dennis was asked what his plan would be for addressing the water infrastructure problems for the State. He said we need to target the financing to the projects that we know need repair, upgrades and improvements. Once a community comes into the Program and realizes the savings, they will utilize the Financing Program again. Dennis recognized the City of Trenton as a municipality that has come into the Program repeatedly. They have received financing for cleaning their water lines; building improvements to their water treatment plant; adding auxiliary standby power for their water treatment facility. Trenton City is a community utilizing the NJEIFP repeatedly while realizing the cost savings to their system users.

Dennis was asked if asset management can be required of the SRF Financing Program. Dennis said that in the new proposed SRF funding legislation, asset management will be required. Dennis added we don't want to punish the communities, but to let them know that we want to help them. It was suggested that if a community is doing what is right and still has a problem, maybe they could be exempt from penalty. There is a concern that the Legislature is criticizing communities who have money in reserve. Their reserve funds can be used for maintaining their system.

A comment was made that the public, and especially students, need to be educated concerning water infrastructure, recycling, conservation, etc.

The CWC asked Dennis if he could recommend a Speaker for the CWC Public Hearing. Dennis said he would follow-up to the CWC's request.

Narinder Ahuja attended the meeting to say good-bye to the Council since he took the ERI offered by the State. The CWC thanked Narinder for his efforts on the Council.

OLD BUSINESS:

The draft document regarding the 2008 CWC Public Hearing entitled "A Financially Sustainable Vision for New Jersey's Water Infrastructure" that was prepared by Chris Sturm was discussed. Chris updated the Council on the workshop discussions that were held prior to the meeting today among the Public Hearing Ad-Hoc Committee Members. The CWC members recognized Chris' efforts and commended her for preparing the excellent draft public hearing document. Chris will incorporate the comments she receives at today's meeting and distribute the revised version to the CWC Members.

The Council discussed possible Speakers/Panelists for this year's Public Hearing. It was recommended that there only be 3 invited speakers. One would be the DEP Commissioner giving the perspective of DEP; Commissioner Joe Doria would speak from the Department of Community Affairs and give the local government perspective; and Dennis would follow-up with a recommendation for a National speaker. The CWC requests speakers that are accomplished and passionate. The CWC would invite appropriate organizations to testify.

ANNOUNCEMENTS:

None

ADJOURNMENT:

The meeting was adjourned at 11:45 p.m. with a motion from Ray Zabihach, and it was seconded by Jim Cosgrove.

**** The next meeting of the Clean Water Council will be on October 14, 2008, beginning at 10:00 A.M., at the NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ ****

NEW JERSEY CLEAN WATER COUNCIL

**October 14, 2008
Meeting Highlights**

Location:

New Jersey Environmental Infrastructure Trust Conference Room, 3131 Princeton Pike,
Office Building 6, Suite 201, Lawrenceville, New Jersey

Attendees:

Members: Ferdows Ali, Bob Breslin, Stan Cach, Lou Neely, Jim Requa, Jessica Sanchez,
Chris Sturm, and Dan Van Abs.

Others: Karen Cerra, Helen Heinrich, Rick Kropp, and Gerry Skrajewski.

The meeting was convened by Jessica Sanchez at 10:10 a.m.

APPROVAL OF SEPTEMBER 2008 MEETING HIGHLIGHTS:

Bob Breslin made the motion to approve September's minutes, and Dan Van Abs seconded the motion. The minutes were approved as distributed.

OLD BUSINESS:

Jessica said that Russ could not make today's meeting, but he had called her and requested that a "Save the Date" notice regarding the CWC Public Hearing which is scheduled for December 8th be sent out ASAP.

The hearing announcement entitled "A Financially Sustainable Vision for New Jersey's Water Infrastructure" which was prepared by Chris and subsequently revised to reflect comments from CWC Members was approved to be sent out to the public to notify them of the upcoming Public Hearing. The Council had further discussion about possible Speakers/Panelists for this year's Public Hearing. One speaker will be the DEP Commissioner who will address the environmental vision. Another speaker will give the National perspective, and Stan is following up with Dennis Hart from NJEIT and Steve Vida from EPA to get an appropriate speaker. It was decided it is inappropriate at this time to invite Commissioner Doria of the Department of Community Affairs as a speaker. Lou Neely recommended Ed McManimon of Scotland and McManimon. Mr. McManimon would speak on infrastructure financing and the challenges municipalities have financing environmental infrastructure projects. Also, we would ask him to address the state of municipal budgets; structural deficits; capitol market versus operating costs and what are the constraints. Lou will e-mail the CWC members a paper prepared by Messrs. Scotland and McManimon about "The Looming New Jersey Government Fiscal Crisis, Outline of Critical Issues and Long Term Strategies".

Howard Woods of NJ American was recommended to be invited to testify at the Hearing. He has vast experience in drinking water rate structure. It was also recommended to invite at least 2 people to address each of the 5 questions raised in the CWC Flyer. A "Save the Date" notice will be sent out with all the details except for the Speakers' names. A follow-up Notice will be sent out after we identify the Speakers.

Dan made a motion to adapt the existing document (A Financially Sustainable Vision for NJ's Water Infrastructure) with one change (than to that) and include the appropriate public hearing protocol so that it is a similar announcement to the one we sent out last year. Lou seconded the motion, and it was unanimously approved. Discussion was held to identify individuals who would be best qualified to testify. A matrix will be developed and forwarded to the CWC Members identifying who should be invited to testify regarding each of the 5 questions.

It was recommended that at the Public Hearing, CWC members be seated in front of the public to accept the testimony. We hope to avoid the criticism voiced at last year's hearing and the frustration with the Council Members for not staying to the end of the hearing. To that end, CWC members are asked to clear their schedules and be prepared to remain for the duration of the public testimony.

Bob Breslin suggested that he could contact legislative offices to encourage staff to attend the Public Hearing.

It was also recommended that Russ open this year's public hearing with the recommendations from last year's hearing and summarize the letter that was sent to Commissioner Jackson and her charge to us.

DEP UPDATES:

An article on "Water - perhaps the most critical nutrient" was distributed.

Stan reported that there are 2 Divisions within Environmental Regulation without Director's presently.

Stan will follow-up with Tom Micai as to the status of the Wetland Rules.

NEW BUSINESS:

A new date for November's meeting needs to be chosen because November 11th is a State Holiday. After discussion, it was recommended to schedule November's CWC Meeting on either November 12th or 13th. (Note that the meeting was re-scheduled for the 12th at the Trust.)

Bob Breslin inquired about how the CWC measures it's effectiveness. A comment was made that the inter-agency communication is valuable. It was noted that the CWC was intimately involved in Water Quality Management Planning Rules and changed the direction of those rules. Also, the DEP uses this forum to educate the CWC members who can then take this info back to their respective officials/organizations.

ANNOUNCEMENTS:

None

ADJOURNMENT:

The meeting was adjourned at 12:00 p.m. with a motion from Lou Neely, and it was seconded by Dan Van Abs.

**** The next meeting of the Clean Water Council will be on Wednesday, November 12, 2008, beginning at 10:00 A.M., at the NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ ****

NEW JERSEY CLEAN WATER COUNCIL

November 12, 2008

Meeting Highlights

Location:

New Jersey Environmental Infrastructure Trust Conference Room, 3131 Princeton Pike,
Office Building 6, Suite 201, Lawrenceville, New Jersey

Attendees:

Members: Bob Breslin, Stan Cach, Jim Cosgrove, Amy Goldsmith, Tony McCracken, Jim Requa, Jessica Sanchez, Tony Valente, Dan Van Abs, and Ray Zabihach.

Others: Rick Kropp, Gerry Skrajewski.

The meeting was convened by Jessica Sanchez at 10:00 a.m. Jessica said that Russ Furnari could not make today's meeting,

APPROVAL OF OCTOBER 2008 MEETING HIGHLIGHTS:

Jim Cosgrove made the motion to approve October's minutes, and Dan Van Abs seconded the motion. The minutes were approved as distributed. There were 2 abstentions.

DEP UPDATES:

Stan Cach gave the DEP update. He reported that a new Commissioner has not yet been named to replace Lisa Jackson. There should be nominal restructuring after the new Commissioner is announced. The one new creation is the Office of Climate Change.

It is becoming clearer that President-Elect Obama will institute a Stimulus package. ASWIPCA is communicating to all its agencies to be ready to go. We need projects ready to be designed and constructed when the Stimulus package hits. At the Clean Water Council Public Hearing, the Speaker from EPA should address the proposed Stimulus package.

Stan discussed an e-mail related to the Safe Water Drinking Rules - NJAC 7:10A (attached).

OLD BUSINESS:

CWC Public Hearing on December 8th – Jessica recommended that the title on the flyer be shortened. The Council agreed, and it was decided that the new title on the flyer would be "Water Infrastructure: Sustainable Funding".

The Agenda for the Public Hearing will be as follows: Russ will open the Public Hearing with a Welcome and then summarize the letter that was sent to Commissioner Jackson with the Council's recommendations after last year's hearing. Gary Sondermeyer will speak after Russ; then EPA with the national speaker/perspective; and Mr. McManimon with the local perspective. A discussion was held regarding those who will be giving public testimony. The Council wants to ensure that all five questions which the Council was seeking input on will be addressed by those testifying. Also, the EPA Speaker should address President-Elect Obama's proposed Stimulus package.

The CWC Members will sit in the front of the public hearing room and accept the testimony from the public. The Agenda is formatted this year so that the formal section with Speakers will be completed by 10:30 am, and the public testimony will begin then and should be finished by noon. Each person testifying will be allotted 5 minutes to testify. Written testimony will be accepted also.

The CWC Public Hearing Flyers will be taken to the League of Municipalities Conference in Atlantic City for distribution. It is requested that each CWC Member electronically distribute the CWC Flyer (and eventually the Agenda) to their constituents. An Agenda will be developed for distribution since we now have the confirmed speakers.

The Clean Water Council Meeting originally scheduled for Tuesday, December 9th is cancelled due to the Public Hearing being held on December 8th. The 2009 schedule of CWC Meetings will be forwarded to the Members.

NEW BUSINESS:

The article that was in the local newspaper related to the Hamilton Township sewer systems was distributed. A discussion followed, and it was generally agreed that user charge systems should include operations, maintenance & replacement costs of the environmental infrastructure facilities. However, it was noted that not every local government unit is reserving funds for capital replacement of their environmental infrastructure.

ANNOUNCEMENTS:

Bob Breslin invited the Council to schedule a future CWC Meeting at PSEG's nuclear facility in Salem County. Bob suggested that after the CWC Meeting, the Council Members would be given a tour of the facility.

ADJOURNMENT:

The meeting was adjourned at 11:45 p.m. with a motion from Dan Van Abs, and it was seconded by Jim Cosgrove.

**** The next meeting of the Clean Water Council will be on Tuesday, January 13, 2008, beginning at 10:00 A.M., at the NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ ****