

## New Jersey Clean Water Council

July 14, 2015

Location:

NJDEP, 401 E State St, 7<sup>th</sup> Floor Large Conference Room, Trenton, NJ

<b>Members Present:</b>	
George Bakun – NJ Business & Industry Jim Cosgrove – NJ Society of PEs Jessica Sanchez - DRBC Dan Van Abs – General Public Stan Cach – NJ Dept. Environmental of Protection James Requa – NJ Dept. of Community Affairs Amy Goldsmith – General Public	Anthony Valente – NJ Dept. of Labor & Industry Chris Sturm – General Public Jennifer M. Coffey - Water Supply Advisory Council Anthony McCracken - General Public Pamela Goodwin- General Public Russ Furnari - NJ Chamber of Commerce- via telephone
<b>Others:</b> Jane Rosenblatt, NJ Future Helen Heinrich - NJCWC Advisor	<b>NJDEP Staff:</b> Commissioner Bob Martin Assistant Commissioner Dan Kennedy, Water Resource Management Michele Putnam, Director, Div. of Water Quality Julie Krause, Division of Water Quality Breana Whittaker, Division of Water Quality

Meeting Called to Order: Chair Dan Van Abs at 10:10 AM.

The motion to approve the June 9, 2015 meeting highlights was made by James Cosgrove and seconded by Jim Requa. The meeting highlights were approved.

### **DEP Updates:**

Commissioner Bob Martin announced several organizational changes, effective July 6, 2015, which are designed to enhance and expand the effectiveness of DEP's ability to meet its mission to preserve and protect New Jersey's environment and the public health. To improve operational efficiency, the Department is consolidating the current seven assistant commissioner offices into six.

To accomplish this consolidation, the functions of the Office of Environmental Management are being relocated into three other offices:

- The Division of Solid and Hazardous Waste Management is being moved into the Site Remediation program, to form a new Site Remediation and Waste Management program office under the leadership of Assistant Commissioner Mark Pedersen.
- The Division of Air Quality and the Division of Environmental Health and Safety, along with the functions of the Sustainability and Green Energy program office (SAGE), are being combined into a newly formed Office of Air Quality, Energy, and Sustainability. In addition, a part of the Recycling Permitting office is being moved from Solid Waste to this new office. Assistant Commissioner John Giordano will move from Compliance and Enforcement to lead Air Quality, Energy, and Sustainability.
- The offices of Right to Know, Pollution Prevention, Quality Assurance, and Release Prevention, as well as the stack testing group in the Emissions Measurement Section, are being moved to Compliance and Enforcement. The Compliance and Enforcement program office will be led by

newly appointed Assistant Commissioner Ray Bukowski. Succeeding Ray at Island Beach State Park is Jenifer Clayton.

- SAGE Assistant Commissioner Bob Marshall is now Special Assistant to the Commissioner for Energy and the Environment. In this new role, Bob will be the Commissioner's primary advisor on critical issues such as EPA's proposed changes to Section 111(d) of the Clean Air Act.
- The offices of Natural and Historic Resources, Land Use Management, and Water Resource Management remain unchanged.
- Natural and Historic Resources – Rich Boornazian, Assistant Commissioner
- Land Use Management – Ginger Kopkash, Assistant Commissioner
- Water Resource Management – Dan Kennedy, Assistant Commissioner

Stakeholder meetings on the Capacity Assurance Program (CAP) were held in October and June. Due to proposing significant modifications to the rule following the first stakeholder meeting in October, a second stakeholder meeting was held in June. The existing CAP rule is triggered when the treatment plant's committed (existing flow plus what has been approved in the Treatment Works Approval program but is not yet operational) flow is at 80% of their permitted design flow. The proposed draft CAP framework presented at the stakeholder meeting revised this trigger threshold to when actual rolling 12-month flows exceed 100% of permitted design flow (actual data that have been submitted in their DMRs over a 12 consecutive month period). Stakeholders in attendance stated that existing flow data would be appropriate but asked the Department to reconsider changing the trigger threshold from 80% to 100%. Representatives of the utilities and regulated entities discussed how they use the potential sewer ban of the CAP rule to engage the municipal officials in meaningful conversation. Representatives of local communities supported the Department in reviewing the feedback received at the stakeholder meeting.

The Water Quality Management Planning (WQMP) rule has received stakeholder input and the rule proposal is progressing.

#### **Old Business:**

The Council discussed the upcoming Public Hearing topic. A proposed title discussed was "New Partnerships to Enhance NJ's Water Quality". Also, discussed was the need for a more focused and timely topic. A new public hearing topic was discussed that was related to the Department's Barnegat Bay initiative. The informational part of the public hearing could present findings of the ongoing research and discuss how a regional integrative water quality initiative could be applied statewide. Further, in order to enhance the hearing's attendance and participation, it was suggested holding the public hearing at a more central location and at a more convenient time to those affected by the ongoing research in the Barnegat Bay. However, the intent would not be to have a hearing on the Barnegat Bay program, as that may not encourage much testimony. Availability of a suitable location is also a question. Council members suggested that the issues and approach to Barnegat Bay may be transferrable to the Raritan watershed.

The Department is advancing the nominations of the Council's non-agency members. Council members must submit their resumes. Also, Council members discussed the mandatory ethics training. All Special State Officers, SSO, (Boards, Commissions, Council and Committee members) must complete the required ethics training. Some Council members questioned if they can continue to serve as a Council member if they represent clients before the DEP? Stan Cach, the NJDEP's liaison, will follow up with the Department's Ethics Officer. *(Per the DEP Ethics Officer, SSOs are only restricted from representation*

*before or contracting with the State agency on which they serve. The agency, on which they serve, in this case, is interpreted narrowly as the Clean Water Council, not broadly as the DEP. Of course, like any other, SSO would have to recuse him/herself from a particular matter before the Council if a conflict situation arises.)*

#### **New Business:**

Commissioner Bob Martin and Assistant Commissioner Dan Kennedy joined the meeting at 11:00 AM. The Commissioner recognized the Clean Water Council and thanked them for their good work over the years. The Council's recommendations have helped shape and validate DEP policy.

The Commissioner appreciated the Council's recent hearing's recommendations presented in their March 10, 2015 letter and stated the Department has been advancing the recommendations. The Department will provide the Council a summary update.

The Commissioner noted the Department's Water Quality priorities, namely: CSO – requires long term investments; Barnegat Bay – continue collaborating with the scientists and evaluate the research findings to determine the next steps; WQMP – increase the Department's involvement in the planning phase and establish priorities; Storm Water program – overhaul the storm water policies and regulations to ensure positive environmental impacts with both the public and private sectors.

The Commissioner encouraged the Council to consider the Barnegat Bay, as the upcoming public hearing topic focusing on results of the scientific studies and the successes of the existing partnerships and the public / private partnerships needed to improve the water quality. The Commissioner reported the Department is compiling the findings of the ongoing studies, in coordination with academia. For example, significant research on the effects of the sea nettles' impact in the Bay is completed. The Department's scientist will provide the Council with an update of the Barnegat Bay studies. The discussion centered on how can what was learned in the Barnegat Bay approach be applied elsewhere in the state? The Council was very supportive of the Commissioner's recommendation. Commissioner Martin exits the meeting at 11:30 AM.

In the Commissioner's absence, the Council discussed soliciting a public response to the scientific findings from the Barnegat Bay studies that will be released later this year. However, it was discussed that a separate forum could be held in the fall or spring that may be more appropriate for a technical collaborative session to insure all of the most pertinent information is available. The Council discussed the hearing could include the accomplishments of the Barnegat Bay's initiative including the public/private partnerships and demonstrate how those successes can be incorporated into other areas of the state. The speakers could include a presentation from the Department on the results to date of the Barnegat Bay Program, as well as conversations with the directly affected public and non-profits organizations highlighting the progress and lessons learned in the communities. The Council suggested inviting Director Pat Gardener, NJDEP to the next Council meeting and providing an update of the Barnegat Bay initiatives.

The Department is finalizing the Tiered Drinking Water rule and is planning to issue a proposal by the end of the year. A Council member discussed how the delay of these rules can negatively affect treatment plant expansion. Assistant Commissioner Kennedy recommended these specific cases be brought to his attention.

The next meeting will be on September 8, 2015 at the offices of the Environmental Infrastructure Trust. There will be no August meeting.

#### **Adjournment:**

Meeting adjourned at 12:07 pm.