

New CSO Permits Stakeholder Questionnaire

Suggested Conditions for CSO Permits

New permits will contain specific permit conditions for the next five-year permit cycle that will reflect unique elements of each permittee's respective LTCP. These new permits will also contain general provisions that will apply across all permittees. For each category below, charge questions have been provided to solicit feedback to guide stakeholder discussions.

For each suggestion, please identify the issue of concern within the context of the suggested permit condition and why this suggestion will help address that issue. Once DWQ collects this information, future stakeholder meetings will be scheduled.

1. Name *

2. Organization if applicable

3. Email *

4. Would you be willing to present your ideas at a stakeholder meeting for discussion? *

- ☐ Yes
- ☐ No
- ☐ Maybe, please contact me with more information.

5. What time of day would you prefer to attend an online meeting run by the DEP on or around December 1, 2021? *

Daytime (between 10:00 am and 4:00 pm)

Evening (between 6:00 pm and 8:00 pm)

No Preference

New CSO Permits Stakeholder Questionnaire

Public Engagement

DWQ has received feedback over the development and roll-out of the 2015 CSO permit concerning public engagement. Advocates have expressed strong support for continuing some form of public engagement in the next permit cycle.

For each suggestion, please identify the issue of concern within the context of the suggested permit condition and why this suggestion will help address that issue.

Goals and Purpose:

The 2015 permit had conditions for public engagement (see language appendaged to the end of this questionnaire) mainly aimed at informing the public about the development of long term control plans and seeking input from the public throughout all phases of the development of the long term control plans.

Given this information, what should be the purpose and goals for public engagement in this upcoming permit cycle?

1. Suggested Permit Requirement and Why:

2. Suggested Permit Requirement and Why:

3. Suggested Permit Requirement and Why:

4. Suggested Permit Requirement and Why:

Engagement Activities

When, how, and at what frequency should the public be informed or updated about the CSO LTCP or associated projects? What topics should be discussed in a public engagement forum?

What public notification principles or practices that should be considered for inclusion in the permit? Should they differ based on the individual project(s)?

1. Suggested Permit Requirement and Why:

2. Suggested Permit Requirement and Why:

3. Suggested Permit Requirement and Why:

4. Suggested Permit Requirement and Why:

Supplemental CSO Teams

How should Supplemental CSO teams continue? What specific task(s) should the teams be given? What other changes should be made to the Supplemental Team, including suggestions for representatives? Other ideas for engaging with the public?

1. Suggested Permit Requirement and Why:

2. Suggested Permit Requirement and Why:

3. Suggested Permit Requirement and Why:

4. Suggested Permit Requirement and Why:

Guidance Documents

Should the DEP update its guidance document(link to documents below) and if so, how?

{https://www.nj.gov/dep/dwq/pdf/CSO_Public_Participation_Resource_Document.pdf;
<https://www.nj.gov/dep/dwq/pdf/cso-ppt-engage-comm-ltcp.pdf>;
<https://www.nj.gov/dep/dwq/pdf/supplemental-team-resource-doc-5.9.16.pdf>}

Please provide additional resources or ideas that should be considered for incorporation into guidance for CSO public engagement.

1. Suggested Permit Requirement and Why:

2. Suggested Permit Requirement and Why:

3. Suggested Permit Requirement and Why:

4. Suggested Permit Requirement and Why:

New CSO Permits Stakeholder Questionnaire

Metrics

As permittees advance capital projects to obtain compliance with the LTCP, DWQ will require monitoring of key parameters to help establish if conditions are improving in permittees' service areas. Please provide suggestions on metrics that can be established to gauge compliance. Certain CSO metrics are already required in monthly monitoring reports such as CSO duration of discharge, rainfall monitoring, and solid-floatable removal.

For each suggestion, please identify the issue of concern within the context of the suggested permit condition and what this suggestion will help address that issue.

Reporting requirements:

For each suggestion, what is the frequency by which each should be reported? Are there additional metrics that we should consider requiring?

1. Suggested Permit Requirement and Why:

2. Suggested Permit Requirement and Why:

3. Suggested Permit Requirement and Why:

4. Suggested Permit Requirement and Why:

Measuring Effectiveness:

*What should be measured to determine success beyond total discharge reduced?
(Ex. duration of discharge compared with total rainfall or quality improvements)*

1. Suggested Permit Requirement and Why:

2. Suggested Permit Requirement and Why:

3. Suggested Permit Requirement and Why:

4. Suggested Permit Requirement and Why:

New CSO Permits Stakeholder Questionnaire

Climate Change

Since permits were issued and permittees have developed and submitted LTCPs, Governor Murphy and DEP have announced renewed focus on climate change-related initiatives.

It is widely accepted that critical infrastructure should be designed, located, and/or sufficiently protected to remain operational during an emergency, including floods, storm surges and power outages, and for long-term viability (see <https://www.nj.gov/dep/watersupply/pdf/guidance-ifp.pdf> and <https://www.nj.gov/dep/watersupply/pdf/guidance-ap.pdf> for more information on current funding requirements).

While permittees were not required to consider climate change as part of LTCP submissions, moving forward DEP will be working with stakeholders across all regulatory programs to include climate change considerations. Guided by the 2020 New Jersey Scientific Report on Climate Change (<https://nj.gov/dep/climatechange/data.html>); New Jersey's Global Warming Response Act 80X50 Report (<https://nj.gov/dep/climatechange/docs/nj-gwra-80x50-report-2020.pdf>); and regulatory reform through NJ PACT (NJ Protecting Against Climate Threats, <https://nj.gov/dep/njpact/>) the DEP is working to mitigate against the impacts of climate change. The next permit cycle may include provisions designed to ensure previously submitted LTCPs and permittees' work is reflective of climate change impacts.

For each suggestion, please identify the issue of concern within the context of the suggested permit condition and why this suggestion will help address that issue.

How should DWQ evaluate whether permittees' projects are inclusive of changing environmental conditions, like precipitation, in long-term strategies?

1. Suggested Permit Requirement and Why:

2. Suggested Permit Requirement and Why:

3. Suggested Permit Requirement and Why:

4. Suggested Permit Requirement and Why:

New CSO Permits Stakeholder Questionnaire

Environmental Justice

With the signing of Executive Order No. 23, the Governor directed the DEP and other State agencies to incorporate environmental justice into their programs, policies and activities as well as directed the DEP to write guidance on how to accomplish this. Developed through both interagency coordination and a public stakeholder process, the DEP issued “Furthering the Promise” (<https://nj.gov/dep/ej/docs/furthering-the-promise.pdf>) in September 2020. In addition, Governor Murphy signed the New Jersey Environmental Justice Law (<https://nj.gov/dep/ej/docs/ej-law.pdf>) on September 18, 2020 that identifies most of our CSO municipalities as overburdened communities and applies to sewerage treatment plants with a capacity of more than 50 million gallons per day. Therefore, it is important to incorporate EJ principles and practices into the next CSO permits.

For each suggestion, please identify the issue of concern within the context of the suggested permit condition and why this suggestion will help address that issue.

EJ Principles and Practices

What EJ principles and practices should be considered as part of the CSO LTCP review and how? What EJ principles and practices should be required as part of the public engagement conditions?

1. Suggested Permit Requirement and Why:

2. Suggested Permit Requirement and Why:

3. Suggested Permit Requirement and Why:

4. Suggested Permit Requirement and Why:

Overburdened Communities

Should notification or other project planning activities be different in overburdened communities as defined in the EJ Law?

1. Suggested Permit Requirement and Why:

2. Suggested Permit Requirement and Why:

3. Suggested Permit Requirement and Why:

4. Suggested Permit Requirement and Why:

New CSO Permits Stakeholder Questionnaire

Other

If there are additional conditions you would like for DEP to consider, please describe them below. **For each suggestion, please identify the issue of concern within the context of the suggested permit condition and why this suggestion will help address that issue.**

1. Suggested Permit Requirement and Why:

2. Suggested Permit Requirement and Why:

3. Suggested Permit Requirement and Why:

4. Suggested Permit Requirement and Why:

Permit Excerpt: Part IV:G.2 2.

Public Participation Process

- a. The permittee shall submit the Public Participation Process Report to include appropriate input and participation with other hydraulically connected communities, in accordance with D.3.a and G.10.....
- b. Implementation shall actively involve the affected public throughout each of the 3 Steps of the LTCP process. The affected public includes rate payers (including rate payers in the separate sewer sections), industrial users of the sewer system, persons who reside downstream from the CSOs, persons who use and enjoy the downstream waters, and any other interested persons. A Public Participation Process Report shall include the following elements:
 - i. Conduct outreach to inform the affected/interested public (during the development of the permittee's LTCP) through various methods which may include: public meetings, direct mailers, billing inserts, newsletters, press releases to the media, postings of information on the permittee's website, hotline, development of advisory committees, etc.; and to.
 - ii. Invite members of the affected/interested public to join a Supplemental CSO Team to work with the permittee's assigned staff, consultants and/or contractors as required in Part IV, Section G.2.c. of the permit.
- c. The permittee shall invite members of the affected/interested public to establish a Supplemental CSO Team to work with the permittee's assigned staff from Section F.1 and to work as an informal work group as a liaison between the general public and the decision makers for the permittee. The goals of the Supplemental CSO Team could consist of the following elements:
 - i. Meet periodically to assist in the sharing of information, and to provide input to the planning process;
 - ii. Review the proposed nature and extent of data and information to be collected during LTCP development;
 - iii. Provide input for consideration in the evaluation of CSO control alternatives; and
 - iv. Provide input for consideration in the selection of those CSO controls that will cost effectively meet the Clean Water Act requirements.