

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. **