

## **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 16<sup>th</sup>.

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 – 3<sup>rd</sup> floor Large Conference Room.**

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