

**NEW JERSEY CLEAN WATER COUNCIL**  
**December 13, 2005**  
**Meeting Highlights**

**Location:**

The offices of Saul Ewing, LLC, 750 College Road East, Suite 100, Princeton, NJ

**Attendees**

**Members:** Members: Russ Furnari, Amy Goldsmith, Pamela Goodwin, Tony McCracken, James Requa, Ray Nichols, Jessica Sanchez and Dan Van Abs

**Others:** Helen Heinrich, Rick Kropp, Bob Tudor and Dante DiPirro

**Meeting convened** by Pamela Goodwin, Chair.

Pamela Goodwin` announced that the planned presentation of a plaque to the former chair, Pat Matarrazo, for his ten years of service to the Council, would have to be deferred to the next meeting, because he had to be at the Verona Sewerage Treatment Plant that day.

**PRESENTATION BY DANTE DIPIRRO ABOUT THE HIGHLANDS COUNCIL**

Mr. Dante DiPirro, Deputy Director of the Highlands Council, discussed what that council and its staff had accomplished during its first year of operation and what plans are currently being developed. He described the existing and proposed rules that the Council has developed.

He also spoke about the Council's efforts to coordinate the construction of public infrastructure within the Highlands Area in order to protect water quality. They have had meetings with the Department of Transportation about extending commuter railroads in and through the Highlands in conjunction with planning for transit villages around rail stations.

Other discussions have focused on how municipalities can achieve substantial certifications for their COAH obligations while planning for reduced densities. They are developing a plan to have the affected municipalities meet their affordable housing obligations by sending additional densities outside Highlands Area to the counties. They intend to use transfer of development rights so that additional development can occur outside the Preservation Area, in the Planning Area and even outside that area, in the seven counties that encompass the Highlands Area.

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Dante also discussed proposals to obtain secured funding for implementation of the regional plan by assessing fees on water that originates in the Highlands Area regardless of where it is used. They are hoping to establish a user fee on 4 cents per 1000 gallons of water used. The funds thus generated would be used to establish and protect riparian buffers and other areas critically needed for optimizing ground water recharge and slowing the rates of stormwater runoff. These proposals will require the approval of the State Legislature before they can be implemented.

Dante noted that the Highlands Council is working with the NJ Water Supply Authority to acquire the critical lands needed to protect and enhance areas that are most important for the purpose of aquifer recharge. They are using all available sources of funds to acquire easements

and ownership of critical areas. These include Farmland Preservation, Green Acres and the Environmental Infrastructure Trust. In this context, Dan Van Abs noted that they need to do more than just acquire land for protection. Often there is a need to do restoration of disturbed areas in order to enhance the ability of the land to recharge water. For example, where a farmer had allowed livestock to graze immediately adjacent to a stream, they can improve the riparian buffer by planting trees and shrubs adjacent to water courses, fencing out the livestock, and insisting that land be managed for passive recreation only.

Currently, a lot of effort is going into assembling all the available land use data covering the Highlands area and adjacent communities that will be affected by the Highlands Master Plan. Several contracts have been let to consultants in order to have the Regional Master Plan completed by June 2006, with the first draft to be completed in February or March of 2006. The goal is to have all of the latest land use data and delineations of the various environmentally sensitive areas compiled in a Geographic Information System, to facilitate analysis and planning. There will be time for the Council members and the public to review the draft and provide feedback before it is finalized.

The Council has also been talking with the elected officials from the municipalities along the Delaware River about the impacts the proposed Master Plan will have on their communities. They have recognized the need to coordinate with those communities that are outside the Highlands because the displacement of projected population growth within the Highlands area will result in additional development pressure on the communities along that river. New Jersey saw this displacement development occur in the towns near the Atlantic Ocean following the creation of the Pinelands Preservation Plan. Between the Water Gap and Washington Crossing, the Delaware River is designated as Wild and Scenic River. The towns along the Delaware River have asked for help with planning in order to protect the existing character of that area. The municipalities along the Delaware River have been especially concerned about the increased development pressures they will face. Therefore, the Delaware River Basin Commission worked with them to secure a \$35,000 planning grant from the National Fish and Wildlife Foundation. This grant will enable the Municipal Land Use Center at The College of New Jersey to work on behalf of those municipalities to address their concerns simultaneously with the planning efforts of the Highlands Council.”

During the discussion stimulated by Dante’s remarks, Jessica Sanchez pointed out that the DRBC is working to protect the water quality of the Delaware River between the Water Gap and Washington Crossing by having the area designated as a Special Protection Area.

Russ Furnari suggested that the Highlands Council should consider the model developed in the Meadowlands to address the flood control concerns of several municipalities in Bergen County. The New Jersey Meadowlands Commission (NJMC) took on the task of dealing with FEMA on behalf of the various municipalities to review and revise the FEMA’s Flood Hazard Area Maps for those municipalities.

Others pointed out the desirability of insuring that the public understands the positive aspects of environmental planning and planning for growth.

Before concluding, Dante noted that there are still outstanding legal challenges that need to be settled through the court. Most deal with questions of whether specific development projects are, or are not, exempt from the new rules.

#### **APPROVAL OF NOVEMBER'S MEETING HIGHLIGHTS:**

The highlights were approved as distributed at the meeting, subject to the clarification that when Carol Collier presented testimony at the Public Hearing on behalf of the DRBC, she had asked that the Councils consider the Delaware River Basin Commission's *Water Resources Plan for the Delaware River Basin* as part of her testimony. To insure that all the Council members could read that plan, Jessica Sanchez brought additional copies of that document to the November meeting so that each council member could have one.

#### **OLD BUSINESS:**

##### **Review of the Testimony from the Annual CWC Public Hearing and Status of Coordination with the WSAC:**

Dan Van Abs noted that the two documents he had prepared that summarized the testimony have been distributed to the Council members electronically. Ray Nichols added that Joe Mattle had sent copies to the members of the WSAC. The official transcript was distributed electronically on December 7<sup>th</sup>. Dan pointed out that the Water Supply Advisory Council (WSAC) has not had a meeting since the public hearing was held. Their next meeting is scheduled for the week after the CWC's January meeting. There had been no meeting of the subcommittee designated to draft the recommendations. Following discussion by the members of that subcommittee, it was decided that they would meet at 8:30 a.m. on January 10 at the offices of Saul Ewing in order to discuss a draft that Dan would work up before then and distribute electronically to the subcommittee members. Pamela indicated that the council was welcome to have its January meeting there as well, and would assist in getting the subcommittee's work product revised so it could be discussed by the full Council later that morning. Representatives of the WSAC have already been invited to the CWC's January meeting.

**Definition of Pollution:** This piece of old business was left over from the September meeting. Russ and Mary Beth Koza had indicated an interest in revisiting the meaning of this term as it was used in the CWC related documents dating from the mid-1980s that established the CWC. Unfortunately, Mary Beth has been extremely busy with her job and they have not had a chance to meet or discuss the subject since the September meeting. The council will await a report from Russ & Mary Beth to discuss the subject again.

**Discussion:** The Council discussed the general value of the Council as an advisory body for the benefit of DEP. Members felt that the Council could serve to do more public outreach and education.

#### **DEP UPDATES:**

**319 Grants:** The Bureau of Watershed Planning is in the midst of reviewing pre-proposals in response to the SFY 06 604(b) Requests for Proposals (RfP). This RfP was targeted at funding

the development of Septic Management Plans. In October and early November, the Bureau received 14 pre-proposals. Twelve are for planning grants and two are for implanting something on the ground. Final funding recommendations will be made by February 15, 2006. The RfP for the next round of grants (SFY 07) is scheduled to be advertised in January. Priority for funding has not yet been finalized.

**Microbial Source Tracking:** Ray reported that several DEP staff are involved in a multi-agency workgroup devoted to the subject of Microbial Source Tracking. At this group's meeting on December 12, they discussed the development of a "White Paper" on this subject. Initially, the group was considering directing this report to the governor. However, at this meeting, they discussed the possibility of presenting the White Paper to the Clean Water Council instead. This way, the CWC could evaluate MST related issues and present their conclusions as advice to the DEP on how to implement policies related to monitoring MSTs and the implementation of TMDLs. Ferdows Ali is a member of both this working group and the CWC. It seems likely that a member of the MST Working Group will attend the next Clean Water Council Meeting to explain briefly what the working group seeks to accomplish.

A lively discussion on this topic ensued. Since bacterial contamination is frequently cause of streams being classified as impaired, it would be useful be able to determine if the bacteria is from human sources or livestock or wildlife, such as Canada geese.

## **ADJOURNMENT**

**\*\*NOTE: THE NEXT MEETING WILL BE HELD ON JANUARY 10, 2006, BEGINNING AT 10:00 A.M., at the offices of Saul Ewing, LLC, 750 College Road East, Suite 100, Princeton.\***

**In addition, the subcommittee developing the Council's recommendations for the DEP Commissioner based upon the 2005 Public Hearing will meet beginning at 8:30 a.m., at the same location.**

*The Chair has requested that all council members make a special effort to attend this meeting and plan to arrive by 10:00 A. M., because:*

- **Pat Matarazzo will be our guest of honor;**
- **Larry Baier, Director of the Division of Watershed Management, Ken Klipstein, Chief of the Bureau of Watershed Management, and Kerry Kirk-Pflugh will present brief updates on some of the Division's activities;**
- **The major agenda items will be the finalization of the subcommittee's recommendations to the Commissioner and the identification of the Council's priorities for 2006; and**
- **Breakfast will be served.**

\* The offices of Saul Ewing, LLC, are in the building at the corner of Scudders Mill Road and College Farm Road East. For a map and more detailed directions, see <http://www.saul.com/offices/directions.aspx?officeID=147>