

NEW JERSEY CLEAN WATER COUNCIL
December 14, 2004
Meeting Highlights

Location:

NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ

Attendees:

Pat Matarazzo, Dan VanAbs, Russ Furnari, Lou Mason Neely, Amy Goldsmith, Pat Pittore, Ferdows Ali, Carmen Valentin, Ray Zabihach, Ray Nichols and Ursula Montis.

Other Attendees:

Helen Heinrich, NJ Farm Bureau; Rick Kropp, USGS

DISCUSSION OF OCTOBER'S PUBLIC HEARING

Pat Matarazzo thanked everyone who was involved with putting on the public hearing, especially Carmen Valentin & Dan VanAbs. He felt that it was very successful, given the large number of attendees and the comments he heard after the hearing ended. Consensus was that the attendance was high because the agenda for the event included a large educational component. There were just a few comments from the public. This was also the case at the 2003 Public Hearing, which was well attended.

Dan Van Abs distributed a one page summary of his "Lessons and Thoughts from the 2004 NJCWC Hearing."

There was consensus that most municipalities do not yet see the need for stormwater management. There needs to be an "Epiphany" to encourage compliance by those officials who do not yet realize what is being required of them.

Helen Heinrich felt that the presence of the DEP's rule writer on the panel was a negative one. Ray Zabihach & Dan VanAbs discussed whether stormwater management is a utility function or a management function.

Rick Kropp noted that there is a "fear of the unknown" regarding the responsibilities for maintenance of stormwater management facilities. Also, there is a need for research on what works and what doesn't work, before a lot of money is spent. For example, there is research showing that street sweepers can pick up trash and coarse particulates, but not the fine sized particulates, which are what then gets washed down the storm sewers.

Russ Furnari noted that the needs of urban communities are different than the needs of rural areas. Other members talked about the way in which the rules address the matter of impervious coverage. They should take into account whether the site is in a rural or in an urbanized area.

Pat Matarazzo noted the need to get other state agencies involved, e.g., DCA has a good system for educating municipal officials, and the Department of Agriculture is already working with many rural communities.

Dan VanAbs commented that the panel presentation could have been improved if the panelists had had a meeting ahead of time to go over how to frame each issue and also what each panelist would be contributing to the discussion.

It was agreed that the 2005 hearing should be held in October.

After further discussion, it was decided to have Ray Nichols & Ursula Montis e-mail copies of the official transcript of the hearing to all of the members so that they could each read and evaluate them before the January meeting. The Council would then discuss what recommendations it would make to Commissioner Campbell.

UPDATE ON CWC/CAC JOINT MTBE WORK

Ray Nichols reported that Bill O'Sullivan and Narinder Ahuja had met with Assistant Commissioner Samuel Wolfe. Commissioner Wolfe was designated as the point person to follow-up and respond to both the CAC & CWC. Following discussion, Pat created a subcommittee of himself, Amy Goldsmith, Russ Furnari & Lou Mason Neely to follow up on this subject, meet with a subcommittee from CAC, and formulate a mutually agreeable position. They would then meet with Sam Wolfe by March.

DEP UPDATE

Ray Nichols and Ursula Montis made the following announcements:
The Division of Watershed Management has completed its latest reorganization and the Office of Education and Outreach has been reformulated into the Office of Watershed Education, Estuaries and Monitoring. (WEEM). The other Bureaus and their respective Chiefs are Environmental Analysis and Restoration (Barbara Hirst), Watershed Regulation (Terry Pilawski) and Watershed Planning (Ken Klipstein). Ursula and Ray will provide an organizational chart to Council members as soon as one becomes available.

CWC APPOINTMENT STATUS

Russ Furnari has received a certificate from Gov. McGreevey appointing him to the CWC.

DISCUSSION OF POSSIBLE 2005 HEARING SUBJECT

The following topics were identified as possibilities:

- Stormwater Utility Enabling Legislation: Ray Zabihach reported that work is progressing. A draft report is being prepared and should be finalized in January.
- TMDLs - possibilities and problems
- Impacts of stormwater on the receiving water bodies: look at riparian areas and eroding streams - what NJ needs to do
- Conduct a joint hearing of the Water Supply Council and the CWC – Dan VanAbs had been involved with such a hearing when he worked at DEP. This hearing started with a few panel discussions consisting of 3-4 speakers each, at which various issues of concern were discussed. This was very educational and prompted some of the comments which were made during the formal public hearing which followed the panel discussions.

DISCUSSION OF A-3547 (Arsenic Standards)

Members discussed this piece of pending legislation which would establish a MCL of 3 ppb of Arsenic for drinking water. It follows upon DEP having just lowered the standard to 5 ppb from 50 ppb after the Drinking Water Quality Institute conducted extensive studies and recommended that DEP adopt a standard of 3 ppb. Council members discussed how they found it inappropriate for the legislature to be establishing hard numbers for such standards, which involve a variety of highly technical issues, and how the establishment of such standards may need to change over times. Such changes are more easily accomplished through the rule making process rather than the legislative process.

OTHER

Following this discussion on A-3547. members moved to a general discussion on Departmental positions on proposed legislation, such as this bill. Someone noted that DEP regularly takes positions on various bills that affect the DEP and that there is a written record of those positions. They requested that the DEP provide them on a regular basis (e.g. at their monthly meeting) with copies of DEP comments on pending legislation that is relevant to clean water.

Pat Matarazzo announced that the first meeting of the Highlands Commission would be on Dec. 16, at 10 AM, in Chester.

Ray Nichols noted that Rob Piel had been appointed the Director of the Office of Smart Growth. His group is now drafting proposed rules to implement that law.

Members asked about the status of the proposed Ombudsman.

Pat Matarazzo noted that some local officials did not realize the significance of the C-1 waters designation on their communities, e.g., Senator McKean, (who is also Mayor) of West Orange. When they did learn its significance, there could be political repercussions.

Announcement:

THE NEXT MEETING WILL BE ON JANUARY 11, 2005, BEGINNING AT 10:00 A.M.