

Comments on Camden County Municipal Utilities Authority (NJ0026182), Gloucester City (NJ0108847), and the City of Camden (NJ0108812) Draft Combined Sewer Overflow (CSO) Permits

Submitted on behalf of the Jersey Water Works CSO Committee

Jersey Water Works (JWW) is a collaborative effort of many diverse organizations and individuals who embrace the common purpose of transforming New Jersey's inadequate water infrastructure by investing in sustainable, cost-effective solutions that provide communities with clean water and waterways; healthier, safer neighborhoods; local jobs; flood and climate resilience; and economic growth.

At JWW, we believe it is important for cities and wastewater systems to use innovative solutions to control Combined Sewer Overflows (CSOs). The Long Term Control Plans (LTCPs) created to address CSOs should promote stringent permit requirements that bring affordable benefits to the community. The New Jersey Pollutant Discharge Elimination System (NJPDES) Draft Combined Sewer Overflow Permits Camden County Municipal Utilities Authority (NJ0026182), Gloucester City (NJ0108847), and the City of Camden (NJ0108812) were reviewed by the JWW CSO Committee with these objectives in focus.

The JWW CSO Committee thanks the New Jersey Department of Environmental Protection (NJDEP) for all of its work on the CSO LTCP process from the very beginning of the initiative to its release of the CSO permits.

The JWW CSO Committee respectfully submits the following comments:

We recommend that the NJDEP strengthen requirements in certain areas as described in the comments below. Where strengthened requirements are not possible by the NJDEP, we recommend that the NJDEP provide **separate, concurrent guidance (in a document) for permittees**. When providing guidance, we recommend that NJDEP be as **specific and prescriptive** in their overall guidance as possible.

Public Engagement: We commend the NJDEP for issuing the finalized version of the [Public Engagement Guidance](#) document earlier this month. The distribution of the *Public Engagement Guidance* document should be prioritized by NJDEP. We recommend the following:

Supplemental Team:

1. Create one Supplemental Team for the City of Camden, Gloucester City, and Camden County.
2. Clarify the **role and responsibilities of the "Supplemental Team."** We recommend that the language be adjusted to ensure that members of the community, especially those from environmental justice or overburdened communities, are actively included in public engagement.
 - a. The Supplemental Team should have a transparent process for recruiting members, and that process should be shared publicly.
 - b. Develop minimum requirements on methods used to recruit and replace CSO Supplemental Team members that ensure a cross-sector representation of the

- community, given the particular community's makeup.
- c. Require that a majority percentage of community members are aware of the opportunity to participate on the team.
 - d. Ensure that once team members are identified, they are listed on the website with clear methods to get in contact with them.
3. Develop **minimum requirements around the number of Supplemental Team meetings** to be held annually so that meetings are not only held when a project is occurring but with a frequency that will keep the public informed. For example, require a minimum of two meetings annually, outside of any project-specific meetings. Require that these meetings also be an opportunity to share funding, jobs, and training opportunities.
- a. Require meeting accessibility with clearly defined terms for accessibility for language, visual, audio, and physical access.
 - b. Clearly establish a process for how Supplemental Team input will be documented, incorporated into the planning and design process, and made public.
 - c. Clearly define the process of how the public within and outside of the community can give input to the Supplemental Team.
 - d. Clarify minimum outreach requirements to ensure overburdened communities are aware of Supplemental Team meetings, including through social media and traditional print.
4. Regular progress updates on implementing the LTCP should be posted on the Supplemental Team and CSO public engagement website. In case of any significant changes to the LTCP, the Supplemental Team should notify the website viewers and provide them with an opportunity to comment.
- a. The website should also be updated with meeting materials, including presentation slides and materials, flyers, and meeting minutes.
 - b. The permittee should be required to provide responses to all questions regarding the LTCP, either from the Supplemental Team or from the public through the website, and both questions and answers should be readily available on the website to ensure full responsiveness and transparency.

LTCP Coordinator: NJDEP should draft a baseline requirement for what the LTCP Coordinator's role is and what their responsibilities are, including the minimum requirements for communication and outreach to the community.

5. Release a training manual for selecting and onboarding a new LTCP Coordinator. Provide clear guidance on how the permittee shall select an LTCP Coordinator and what training the LTCP Coordinator should receive to perform the role effectively. Furthermore, strongly encourage the permit holder to select an LTCP Coordinator who is a current community member from an overburdened community, as this will increase the chances that community voices are part of the public engagement process.
6. Require a minimum number of LTCP milestone meetings with successful efforts in engaging the community.

Control Measures and Green vs. Gray Infrastructure: All controls should be prioritized to have the greatest impact on CSOs and local flooding in the shortest timeframe, while maintaining affordability for lower income households.

The permit should require that implementation of the LTCP, for either gray or green infrastructure,

be accomplished in a manner that minimizes impact to the host community, especially during construction activities. This includes but is not limited to obeying local ordinances, dust, noise, traffic control, etc. We recommend that priority be given to the green and gray projects that have the fastest and greatest impact on CSO reduction and water quality improvement.

More specifically, we recommend that NJDEP:

1. Work with the permit holder to leverage their expertise and support to accelerate the implementation of the sewer separation projects. This is another avenue for shortening timelines toward achieving the minimum 85% capture goal. If funding is required to support this, encourage the permit holder to take advantage of federal funding from NJ Water Bank, etc., to get projects underway sooner.
2. Provide additional guidance for permittees to ensure that high-impact green infrastructure is considered as part of gray infrastructure projects to address both solutions simultaneously and achieve economies of scale, while ensuring affordability to ratepayers. The City of Camden and fellow permittees should be encouraged to explore Complete and Green Streets implementation opportunities. For reference, the New Jersey Department of Transportation's [Complete & Green Streets for All: Model Complete Streets Policy and Guide](#) outlines policy implementation strategies and checklists to enable the implementation of complete and green streets. We hope permittees will conduct LCTPs simultaneously with green streets to reduce the overall cost and impact on community members during construction.
3. Include interim project deliverables in this permit and subsequent permits.
4. Prioritize controls and projects based on the impact on CSO volume reduction and water quality improvements, including well-designed green infrastructure.
5. Ensure that green infrastructure is implemented as much as possible, wherever possible, and as quickly as possible.
6. Create a system of enforcement to ensure that green infrastructure practices are being maintained.
7. Ensure that the permit requires the permittee to provide documentation that all green infrastructure practices are being inspected and maintained in accordance with the operations and maintenance manual. A cross-reference to New Jersey Administrative Code 7:8 and New Jersey Administrative Code 7:14A requirements for stormwater practice maintenance would be useful.
8. Ensure that the permit holder develops a plan to evaluate changes in precipitation trends, quantifies the impact on the implementation plan, and makes appropriate changes accordingly.
9. Provide concurrent guidance documents to permittees outlining best practices for engaging communities on water conservation methods to ensure this control alternative is properly utilized.

Climate Change and Resilience: NJDEP should provide guidance on how to incorporate rules being developed by the New Jersey Protecting Against Climate Threats (NJPACT) process. Additionally, permit conditions should include a requirement to update models reflecting available climate data and incorporate projections from NJ PACT ([page 4, JWW comments on LTCP plans](#)).

Governor Phil Murphy announced the adoption of the landmark Inland Flood Protection Rule to better protect New Jersey communities on the frontlines of severe flooding and increased storm events. The Inland Flood Protection Rule corrects outdated portions of the Flood Hazard Area and the Stormwater Management Rules to better protect people and property from the devastating flooding that science shows is occurring with increasing frequency due to climate change.

1. How will the Permit Holder be required to adjust their current 5-year plan to include these new precipitation models and projections?
2. How will this be documented and reported on? Will NJDEP require permit holders to review the projected CSO removals and whether current projections of precipitation and sea level rise due to climate change require alterations to the implementation plan?

In addition, we recommend that NJDEP:

1. Require an updated recalibration based on new climate data at the end of each permit cycle.
2. Require the permittees to review the projected CSO reductions from the municipal Green Infrastructure projects and track and report on the climate change impact that they will have on CSO volume.
3. Require that permittees make public how climate change will impact their Vulnerability Assessments during emergency conditions as part of an Emergency Plan to ensure the effective operation of the treatment works and facilities under emergency conditions..
4. Encourage all permit holders to use EPA's [Climate Resilience Evaluation and Awareness Tool](#) (CREAT) for assessing climate resiliency.

Water Quality: We recommend that NJDEP:

1. Encourage the permittees to shorten project timelines to achieve 85% capture, as prolonged timelines will further impair the Delaware River, the Cooper River, and Newtown Creek. NJDEP should encourage permittees to reduce the 2038 project completion timeline in the permit so as not to prolong and worsen water quality impairments.
2. We recommend that the permittees come together to discuss the CSO system cleaning in Gloucester City and the City of Camden and the timing for the LTCP implementation. Given CCMUA's agreement with both municipalities, it may be possible to consider collaboration between CCMUA and Gloucester City to expedite CSO system cleaning.
3. Require the permittee to conduct water quality sampling near CSO outfalls during the implementation of LTCP projects and during wet weather events that generate overflows.
4. Further protect the public from the effects of CSO events by maintaining transparency and conducting outreach around water quality and sampling. Due to the increased risks in the 24–72 hours after a CSO event, this information should be communicated to recreational users of the impacted waterways in a timely manner.
5. Utilize water quality and precipitation data to look at opportunities to improve protections on the waterbody, such as a Use Attainability Analysis.
6. Partner with organizations such as the New York-New Jersey Harbor & Estuary Program to expand [this digital tool](#) for recreational uses in New Jersey waters, specifically in the state's CSO-impacted bodies of water. This information should inform reclassification of

waters, particularly where swimming or other primary contact recreation is taking place in waters not currently managed for that use, and water quality standards should be updated to ensure that primary contact users are protected.

Construction, Operations, and Maintenance: We recommend NJDEP:

1. Define NJDEP's role in inspecting and enforcing all projects, including gray and green infrastructure, more clearly.
2. Include language that explains the steps that NJDEP will take if the permittee does not comply annually with the system cleaning program and if they do not meet the 100% inspection and cleaning of the system at the end of the respective permit (five years).
3. Require performance factors and deficiencies to be communicated to the public.
4. Include compliance and enforcement language that makes it clear to the permittees that there will be serious consequences if the requirement of cleaning the sewers is not met on a continual basis.

Financing and Affordability: We appreciate NJDEP's requirement that a financial capability analysis be conducted.

We recommend NJDEP:

1. Issue concurrent guidance to permittees to assist them with tracking and demonstrating their work on affordability.
2. Specify guidance to permit holders around other cost-effective, innovative financing opportunities to help finance this work equitably, such as stormwater utilities, NJ Water Bank low-interest loan programs, utilizing green infrastructure, accessing grant programs, and more. This guidance on innovative funding strategies should be given concurrently with the release of the final permit so that it may be incorporated into the final implementation plans with a goal of shortening timelines around critical projects while maintaining affordability for ratepayers.
3. NJDEP should encourage permittees to collaboratively apply for Water Bank low-interest loans to distribute the project cost among ratepayers. By spreading the cost among CCMUA ratepayers instead of just the City of Camden, the 15-year project timeline could be reduced while ensuring affordability to ratepayers.
4. Engage community members in discussions to decide innovative funding strategies.
5. Provide guidance and technical assistance for municipal CSO permittees to conduct stormwater utility fee feasibility studies to determine if this assessment opportunity would benefit their communities.
6. Ensure the shortest timeline possible while still ensuring affordability.
 - a. Can NJDEP require that permittees not only conduct the standard calculations, but also an alternative calculation considering new federal funding that would reduce the ratepayer burden and accelerate environmental and community benefits?
7. Ensure the CSO Supplemental Team provides input on the Asset Management Plan and how the wastewater utility or municipality establishes rates.
8. Regarding this permit and future regional CSO permits, will NJDEP and permit holders utilize the new U.S. Environmental Protection Agency guidelines ([Clean Water Act Financial Capability Assessment Guidance](#), February 2023) to lessen the impact on residents during longer implementation schedules while minimizing financial impacts on

lower-income households?

- a. Knowing that connecting this funding to the ability to shorten timelines is so critical, how can the NJDEP actively encourage and help permit holders to take advantage of this?

The JWW CSO Committee thanks the NJDEP for their efforts in developing CSO permits. Thank you for the opportunity to provide these comments. We look forward to your response and hope you can incorporate these recommendations before this permit and the previous permits are finalized.

Sincerely,
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