

To: The Division of Water Quality CSO Program

From: Sewage-Free Streets and Rivers Advisory Committee

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We appreciate the opportunity to discuss and provide feedback on the overarching proposed permit conditions that would be included in the upcoming CSO permits. However, the presentation remained high level, leaving us with questions about the permit language to be included and how the proposed permit conditions would be enforced. We learned from the 2015 CSO permit cycle how important it is to include clear enforceable language. The permit conditions, especially for public engagement, must include benchmarks and reporting mechanisms. There needs to be language that is clear and specific around what is required from permittees in order to enable the NJDEP to enforce permit conditions. While we understand that certain recommendations could not be included in the permit, we recommend that they be included in guidance documents. Specifically, we recommend language that requires permittees to engage the public, have verifiable proof of contact with both leading and local ratepayers and keep records for inspection as commented upon below.

On behalf of the Sewage Free Streets and Rivers, we request that the NJDEP release a pre-draft CSO permit with the permit conditions that would be applied to all CSO permits for Stakeholder Advisory Group to review with a 30-day comment period. This request reflects on a similar process for which the NJDEP has completed in the past with MS4 permits.

Below are our comments based on the permit condition presentation, presented to the Stakeholder Advisory Group on Thursday, October 6, 2022, that would make the permit conditions more clear and enforceable.

Public Engagement:

Designate a CSO coordinator for public engagement and have based on various design phases (planning/design/implementation) with a contact for major construction projects.

- We suggest amending this condition to include that permittees should hire a CSO coordinator from the community they are serving and to work with local groups on community engagement. This has been done with the Resilient NJ initiative.

Permittee should have a website as an information platform to provide connection between the public and the permittee and public signage identifying LTCP projects.

- A website will be helpful only if it is also accessible to the public and the information is understandable and clear. Creating and updating this website should be the responsibility of the CSO coordinator to get feedback from the municipal CSO Supplemental Team and community partners.

Permittee must advertise meetings in advance with locations, times and agendas

- We recommend adding to advertise meetings on their CSO website and in multiple outlets, specifically newsletters or through community partners that reach impacted communities.
- Permit conditions should include what you mean by in advance, for example, at minimum 2 weeks notice.

Restart the CSO supplemental teams with a request for new members from other groups.

- We recommend including what the intention is of adding new members to the CSO supplemental teams. For example, to ensure that impacted communities are informed and engaged in implementing the CSO permit, new members should be added from impacted communities.
- The process for selecting, adding and retaining members should be transparent, for example, include who has been nominated on the CSO website and have an application process for joining the team as well as a current list of members on the website.
- If a member does not attend two consecutive meetings without a reasonable explanation they need to be taken off of the CSO supplemental team and their slot should be filled within 60 days.

Permittees must select meeting locations that are accessible to the local community with meeting materials in other languages.

- Define accessible (close to public transit as well as parking. The building should be ADA accessible.)
- Include simultaneous translation as needed or offered
- Sign language or closed captions if the meeting is virtual or offered
- Accessibility needs can be identified in registration forms for meetings

Require a regional CSO supplemental team as well as municipal teams

- The role of the regional team should be defined and include a minimum of one annual meeting. For example, the purpose of the regional supplemental CSO team is for municipal permit holders and wastewater treatment plans to report back on progress regionally, share how municipal and regional projects impact each other, identify issues, share resources and best practices.

- In addition, the regional CSO supplemental team meeting can also serve as an annual stakeholder update meeting to discuss issues especially for those who are not being heard at the municipal level. In the format of Public Hearing. (Regional CSO Supplemental Team meetings + public).

The Municipal CSO Supplemental Team should also be defined and required to meet at a minimum bi-annually.

- More immediate and localized format:
 - Define the Supplemental team and model it after the CAG framework and the CAC - community advisory committees from the DEP Climate Resilience program. (DEP already uses these models)
 - Hire a community member to be the community coordinator/ consultant. The \$\$ stays in the community.
 - The permittee must work in collaboration with a local community group. DEP has this model - Resilient NJ.

A requirement for general public outreach should be included in the CSO permit. We recommend adding continuing basic public outreach, specifically to impacted communities in the next CSO permit. MS4 permits have an educational piece. Make this standard practice to consistently educate residents.

Environmental Justice

Overburdened communities should be prioritized to reduce CSOs.

- We recommend creating a rubric to assist permit holders to identify overburdened communities. For example, prioritize projects in communities that are defined by the NJDEP as overburdened, are residential and already suffer from severe flooding in addition to being impacted by CSOs.

Consider Environmental Impact Assessments on major CSO projects.

- We recommend changing “consider” to evaluate.

Climate change:

Overall there still seems to be a disconnect between the NJDEP and permit holders about how to address flooding areas through the CSO permit. We recommend that NJDEP set the intention that addressing CSOs also covers flooding related to CSO systems.

Projects should be prioritized for flooding areas.

- We recommend that the NJDEP be more specific about the intention of prioritizing flooding areas. The rubric could be used here as well to prioritize projects based on flooding, impacted communities, transportation, etc.

NJ PACT Process should be used to inform project placement.

- How will guidance documents from the Inland Flood Protection Rule and NJPACT be enforced or implemented into the permit?

CSO Metrics:

Performance/Compliance reports every five-years

- We recommend that a short Performance/Compliance report should be annual in addition to the longer 5 year report. And incorporated into CSO team meetings. Then it won't be too late to include comments.

Short performance compliance report annually

Permit Process in 2022:

What is the timeline for issuing a final permit after the 60-day public comment period?