



SEWAGE FREE STREETS AND RIVERS

Your Waterways, Your Neighborhood, Your Money, Your Voice

January 22, 2023

**Patricia Gardner, Assistant Commissioner, Water Resource Management, New Jersey
Department of Environmental Protection (NJDEP)**

**Susan Rosenwinkel, Bureau Chief, Bureau of Surface Water and Pretreatment Permitting,
NJDEP**

Nancy Kempel, Dwayne Kobesky, Joe Mannick, Marcus Roorda

Dear Assistant Commissioner Gardner and Bureau Chief Rosenwinkel,

The Sewage-Free Streets and Rivers (SFSR) campaign is a coalition of community and advocacy organizations based in and working with communities with combined sewer systems.

We are submitting the following comments to the NJDEP regarding the 2023 draft Combined Sewer Overflow (CSO) Permits for Camden County Municipal Utilities Authority (Permit No. NJ0026182), City of Camden (Permit No. NJ0108812), and Gloucester City (Permit No. NJ0108847).

Thank you to all of the staff at the NJDEP for getting us to this point and for valuing the public health and ecosystems of New Jersey's urban communities. Additionally, a sincere note of thanks to Susan Rosenwinkel and Joe Mannick for the years of hard work they have put into drafting these permits and the collaborative effort they have shown.

We would also like to acknowledge all of the work that was done by the CSO permit holders and their consultants to develop these plans, as well as members of the Supplemental CSO Teams, community members, and stakeholders who have worked together over the past several years, some since the issuance of the first CSO Permits in 2015.

The purpose of our comments is to build upon this work and to strongly encourage the adoption of the recommendations below to improve these plans before this CSO permit is finalized.

All of the comments herein refer to these Camden County draft CSO permits.

Our recommendations center on the following issues:

- 1.) Timing, Financing and Affordability
- 2.) Public Health: Notifications
- 3.) Strong Public Engagement
- 4.) Adapting to Climate Change and Updating Models
- 5.) Construction, Operations, and Maintenance: Transparency and Enforcement
- 6.) Maximizing High-Impact Green Infrastructure

1) Timing, Financing and Affordability

We commend the City of Camden and Camden County Municipal Utilities Authority (CCMUA) for collaborating to ensure that the combined sewer system (CSS) in Camden City is cleaned. In an update from CCMUA, we are happy to hear this work will likely be completed within the next year. Unfortunately, the need for a complete system cleaning extends CCMUA's estimated timeline for completion to 15 years. **With the system cleaned, the timeline could be shortened to five to ten years.**

From discussion with stakeholders and the August 2023 Gloucester City Inspection Report prepared by D & B/Guarino Engineers LLC, the **most significant construction timeline bottleneck is the cleaning of the regulators and outfalls in Gloucester City.**

Given the shared agreement, CCMUA can work with Camden City (CC) and Gloucester City (GC) to ensure that combined sewer system improvements outlined in the long-term control plan are completed. CCMUA has already been working with Camden City to make these improvements. **However, CCMUA has yet to be able to engage Gloucester City officials to collaborate on needed improvements, particularly CSO system cleaning, despite offers to do so.**

We urge all parties, including Camden County policymakers, CCMUA, and Gloucester City officials, to come together and design a collaborative plan. CCMUA is eager to partner on funding and design. We urge the NJDEP to bring the parties together. Shortening the timeframe to five to ten years may be within arms' reach. That means fewer years of combined sewage backups in Camden's basements, streets, and parks, and raw sewage overflows into Cooper River, Delaware River, and Newton Creek.

In the example of Camden City, all CCMUA ratepayers, including Camden City, paid for the sewer lines and pumping stations that convey sewage from the suburban communities into Camden. We recommend the same approach for the GC combined sewer system. Reducing the cost per ratepayer and spreading it over a population that has a much higher median household income allows for the project to be completed much more quickly under the EPA's affordability guidelines. CCMUA could be the fiscal sponsor or collaborator when GC applies for funding. This arrangement could allow for a more equitable allocation of the cost of the projects in a manner permitted in the CCMUA Service Agreement.

There are new federal funding opportunities, released since the LTCPs were drafted, that permit holders can take advantage of through the Water Bank. In addition, there is technical support from the EPA that permit holders can take advantage of to help them develop a more robust financial capability analysis. This is described and recommended in the [EPA's 2023 Clean Water Act Financial Capability Assessment Guidance](#).

2) Public Health: Notification

There has been a great deal of concern among impacted community members that they are exposed to *Escherichia coli* (*E. coli*) and other harmful bacteria, viruses, and chemicals during sewage backups into homes and streets. The fear of not knowing causes panic and a sense of urgency to disinfect homes. Since this and subsequent permits will only partially solve the localized flooding issue, community members must have time to prepare for impending heavy rainstorms and possible sewage back-ups.

Recommendations for Improvement

- Require that the permittee measures the amount of sewage released in localized flooding
- Require alerts and notification systems in flooding impacted neighborhoods and not just for the Delaware River, Cooper River, and Newton Creek.
- Ensure CCMUA is responsible for remedial and emergency measures and not the homeowner or renter.
- While the reports that track flooding and sewage back-ups into streets are technically available, they are not user-friendly and difficult to read. We recommended that the permittee improve public accessibility to this information.

3.) Public Engagement

Thank you for drafting the CSO Public Engagement Guidance document on the various methods permit holders can use to successfully engage the public while planning and implementing their long-term control plans (LTCP). We hope this guidance will encourage permit holders to meet even higher standards of public engagement than those required in the long-term control plans.

In the near term, please encourage permit holders to start the public engagement process as soon as the permits are finalized, starting with public notifications about the permit and establishment of the CSO Supplemental Team.

Given that important decisions will be made in the CSO Supplemental teams, we remain concerned that the public may be underrepresented on those teams since there is no specific requirement for how many community members should participate nor who they should represent. As such, we highly encourage NJDEP to require that a certain percentage of CSO Supplemental teams consist of community representatives and that a certain percentage must be present at any given meeting.

Moreover, since CSO Supplemental teams are regional versus city-specific, we highly encourage that members present at every meeting represent the specific municipalities included in that regional permit and that at least one of the community members represents a routinely impacted home or neighborhood.

4.) Adapting to Climate Change and Updating Models

- **There is still less clarity in the language in these permits around how CSO controls address climate change and rising sea levels.** At a minimum, the permittee should review the projected CSO removals and whether current projections of precipitation and sea level rise due to climate change affect the implementation plan.
 - *Question:* It is unclear how this recent tool released by NJDEP will be used: <https://njprojectedprecipitationchanges.com/>. This was part of the two Extreme Precipitation Studies that NJDEP released confirming increased precipitation across New Jersey over the last twenty years and projecting further increases in precipitation intensity through the end of this century due to climate change. Can you clarify how this tool will be used by NJDEP and permit holders?
- 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 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. Currently, the state underestimates these floodplains because it uses outdated 20-100-year-old data that does not account for recent development and increased rains due to climate change.
 - *Questions:* **How will the Permit Holder be required to adjust their current plan to include these new precipitation models and projections? 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?**

- We also acknowledge the NJDEP is working towards the development of rules entitled NJ PACT to begin a regulatory reform effort to help reduce greenhouse gas and other climate pollutant emissions while making our natural and built environments more resilient to the impacts of climate change that are now unavoidable. We look forward to the development and implementation of NJ PACT by permittees through the CSO permit and other applicable regulations.

- **As in Ridgefield Park, we encourage permit holders to use the EPA's CREAT tool to assess climate resiliency. This should be encouraged for all permit holders.**

5.) Construction, Operations and Maintenance

The planning, design, and construction of CSO controls have been (and will be) a long, arduous process for permittees and, likely, the most costly component of the process overall. It is, therefore, critical to ensure the work is well-planned, adequately funded, and maintained accordingly.

As potentially one of the most significant public investments a municipality or utility will make, it is critical to allow for transparency with the public on progress, funding sources, avenues for monitoring compliance, and ways to ensure construction and maintenance occur as planned to eliminate future system failures.

- **We request that NJDEP develop clear and specific inspecting, monitoring, and enforcement procedures to ensure the permittee complies with the system cleaning program for both gray and green infrastructure projects.**

- *Questions:* What will be the enforcement mechanism to ensure that the permittee implements the system cleaning program? What will the NJDEP do if the permittee does not comply with the annual system cleaning program and/or if they do not meet the 100% inspection and cleaning of the system at the end of the respective five-year permit? Will performance factors and deficiencies be communicated to the public? If so, how will that be communicated to the public?

- **We request that the NJDEP staff play a role in inspecting and enforcing all projects, including gray and green infrastructure and maintenance.**

- *Questions:* How will the NJDEP inspect and enforce all projects, including green infrastructure? How will the NJDEP ensure the permittee complies with their maintenance plan for all projects?

6.) Green Infrastructure (GI)

Regarding green infrastructure, we commend CCMUA for the Green Infrastructure projects they have incorporated in Camden City. However, it does not seem that many meaningful green infrastructure projects are being considered in Gloucester City. Please encourage the permit holder to re-evaluate opportunities to include GI in Gloucester City. The permittees

should work collaboratively with community members and community-based organizations across municipalities to identify locations for green infrastructure projects to maximize community benefits. Green infrastructure can be a solid educational tool to increase public awareness of water quality and flooding issues.

Moreover, with so many gray infrastructure projects being implemented, there is an excellent opportunity to evaluate the installation of GI simultaneously, thereby achieving economies of scale.

We also encourage the permittees to monitor and track the impact of green infrastructure projects on CSOs to ensure they are correctly installed and maintained.

The City of Camden and fellow permittees should be encouraged to explore implementation opportunities for Complete and Green Streets. For reference, the New Jersey Department of Transportation's (NJDOT) [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.

7.) Water Quality

We know, anecdotally, that people do get gastrointestinal issues sometimes after paddling or being in the water. As organizations in Camden County aim to bring diverse groups to recreate in the water with activities like river--paddling and fishing, they want to protect them from additional burdens to their health, as many of their communities are already affected by compounding problems such as diabetes, hypertension, asthma, etc. While most of the GI issues we have heard about are minor, sewage can carry potentially harmful strains of *E. coli* and other fecal pathogens that have the potential to cause severe health issues.

Sewage runoff also increases turbidity (cloudiness) of the water, which clogs the gills of sensitive fishes and aquatic invertebrates. Cloudiness combined with high bacterial levels lead to reduced plant growth and therefore lower oxygen levels for all animals in the water. A more diverse ecosystem is always more resilient than a less diverse one, and we want to provide our urban rivers with the best conditions possible. While in the past we have settled for "urban river syndrome" due to multiple stressors, including toxic pollution, we have the opportunity now for healthier urban streams. **Dredging and ship traffic pose threats that we may not be able to ameliorate, but preventing bacterial, nutrient, and sediment inputs into the river by reducing CSO inflows provides a significant boost in conditions for a vibrant ecosystem, for wildlife as well as for paddling and fishing.**

Given all of the above points, we urge the NJDEP to work with permit holders, especially Gloucester City, to shorten the timeline as is feasible with appropriate funding.

Conclusion

Thank you in advance for considering our recommendations. We appreciate the opportunity to participate in this vital process and look forward to continuing to work with NJDEP to ensure that the CSO permits are compliant, effective, and equitable for all CSO communities. We hope that these recommendations can be incorporated into the forthcoming final permits.

Respectfully,

Sewage-Free Streets and Rivers' Local Partner Organizations

Doug O'Malley, Environment New Jersey

Diane Schrauth, New Jersey Future

Stefanie Kroll, Riverways Collaboration

Jim Cummings, Urban Promise

Nicole Gillespie, The Center for Aquatic Sciences

Sewage-Free Streets and Rivers Advisory Board

Jose Amarte of Perth Amboy SWIM

Suzanne Aptman, program manager at SFSR & New Jersey Future

Amy Goldsmith, NJ State Director of Clean Water Action

Michele Langa, staff attorney with Hackensack Riverkeeper and NY/NJ Baykeeper

Nicole Miller, co-chair of Newark DIG

SFSR's Technical Advisors:

Rosana Pedra Nobre of the New York-New Jersey Harbor & Estuary Program

Christopher C. Obropta of the Rutgers Cooperative Extension Water Resources Program