SEWAGE FREE STREETS AND RIVERS

Your Waterways, Your Neighborhood, Your Money, Your Voice

January 5, 2026

Brett Callanan, Bureau Chief, Bureau of Surface Water and Pretreatment Permitting, Mail Code 401-02B, Division of Water Quality, Bureau of Surface Water and Pretreatment Permitting, P.O. Box 420, Trenton, NJ 08625-0420

Dear Chief Callanan,

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 New Jersey Department of Environmental Protection (NJDEP) regarding the 2025 draft Combined Sewer Overflow (CSO) Permits for Middlesex County Utilities Authority (MCUA - NJ0020141) and the City of Perth Amboy (NJ0156132).

We commend NJDEP for reaching this milestone by releasing the final round of draft CSO permits for MCUA and the City of Perth Amboy. Thank you to the NJDEP staff for getting us to this point and for valuing the public health and ecosystems of New Jersey's urban communities.

We would also like to acknowledge all of the work 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 individual CSO Permits in 2015 and the three General Permits in 1995, 2000 and 2005.

Our comments build upon this work and 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 the MCUA and the City of Perth Amboy 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

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1. Timing, Financing, and Affordability

We commend the Middlesex County Utilities Authority and the City of Perth Amboy for their collaboration in creating a coordinated Long Term Control Plan (LTCP).

We appreciate NJDEP's requirement that permittees conduct a financial capability analysis; however, we are concerned that innovative funding mechanisms are not being fully considered and taken advantage of at present. The impacts of delayed timelines, increased rates, and a risk to project completion in the long term are a concern.

In addition, permittees sometimes seek to use cost as a rationale for extending implementation timelines, which leaves communities bearing an extended burden to environmental and public health. In the case of the MCUA and the City of Perth Amboy, the current LTCP anticipates that they would achieve the required 85% capture rate. **However, this result is not expected for another forty years, which is too long for affected waterways and communities to experience poor water quality.** Permittees should conduct a thorough review of funding alternatives to determine if they can reduce costs and shorten the timeline, taking equity into consideration. Innovative funding mechanisms that municipal governments can explore include stormwater utilities and century bonds. A stormwater fee would reduce the local burden and allow for a shorter implementation time period. A century bond (100-year bond) is another funding mechanism that could spread the payment out so that the term matches the life of the asset, thus ensuring generational equity. The century bond idea has already been successfully implemented elsewhere in the nation (Washington, DC), which can reduce annual debt service and thereby allow for a shorter time frame as well.

Permit holders can take advantage of funding opportunities through the Water Bank. Additionally, the US Environmental Protection Agency (US EPA) offers technical support to help permit holders develop a more comprehensive financial capability analysis, as outlined in the EPA's 2023 Clean Water Act Financial Capability Assessment Guidance.

2. Public Health: Notification

Impacted community members express great concern about exposure 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 address the localized flooding issue, community members must have sufficient time to prepare for impending heavy rainstorms and possible sewage backups.

Recommendations for Improvement

- Require that the permittee measure the amount of raw sewage released during localized flooding and report the results back to the community.
- Require alerts and notification systems in flooding-impacted neighborhoods, not just for the Raritan River, the Raritan Bay, and the Arthur Kill. This notification should be disseminated through all municipal communication channels, including those designated for emergencies, as well as through the press, social media, and outreach to community-based organizations.
- While reports that track flooding and sewage backups into streets are technically available, they are not user-friendly and challenging to read. We recommended that the permittees improve public accessibility to this information.

3. Public Engagement

Thank you for drafting the CSO Public Engagement Guidance document, which outlines the various methods permit holders can use to engage the public while planning and implementing their LTCPs successfully. This guidance will encourage permit holders to meet even higher standards of public engagement than those required in the LTCPs.

Over the last year, Sewage-Free partners have participated in the Supplemental Team meetings held by permittees with finalized permits, which have been valuable in engaging the community. We look forward to the creation of additional supplemental teams by permittees in the coming months. While we understand that the current frequency of meetings is determined by milestones, Sewage-Free partners strongly encourage the NJDEP to consider requiring a minimum number of meetings so that community members are kept informed and have an opportunity to weigh in.

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 these teams, as there is no specific requirement for the number of community members who should participate or who they should represent. As such, we highly encourage the NJDEP to require that a certain percentage of CSO Supplemental Team members consist of community representatives and that a minimum percentage must be present at any given meeting.

Moreover, if the permittees opt to have a regional CSO Supplemental Team, we highly encourage community members from each impacted community to be represented, and that at least one of these community members represents a home or neighborhood that is routinely

impacted.

Permit holders should engage all community members in the decision-making process, not only through the CSO Supplemental Team, but also through associated outreach via local community-based organizations. Ensuring that community members in impacted and overburdened neighborhoods are deeply involved in these conversations is important. Using existing frameworks of community groups to facilitate outreach and engagement can increase attendance and participation. However, it is important not to put the workload on these groups, but to use their networks to share information widely.

The Renewal Permit Requirements for Public Engagement uses the terms "education, document, inform"; these are not terms of public engagement. The specific requirements are clearer, especially regarding the siting of green infrastructure and the creation of a website; however, they lack a consistent process for evaluating the success of the public engagement process. Routine and periodic evaluations should be required. The permit should include requirements to engage communities in identifying methods to mitigate construction impacts; the portion on construction merely mentions "informing" the community. Too many terms, such as "participation," are used without a definition of what the participation is intended to achieve.

Regarding environmental justice, the permit fact sheet discusses public stakeholder sessions; however, there is no metric for measuring real environmental justice improvements. Environmental justice encompasses more than just communication.

4. Adapting to Climate Change and Updating Models

The language in these proposed permits still lacks clarity regarding 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 the permittees will use this recent tool released by NJDEP: 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 NJDEP and permit holders will use this tool?

The NJDEP adopted the landmark Inland Flood Protection Rule to better protect New Jersey communities on the front lines of severe flooding and increased storm events. The 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 data that is 20 to 100 years old, which does not account for recent development and more intense rainfall resulting from 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 the NJDEP require permit holders to review the projected CSO removals and determine whether current projections of precipitation and sea level rise due to climate change necessitate alterations to the implementation plan?

We also acknowledge that the NJDEP is working towards implementing rules under the NJ PACT to initiate a regulatory reform effort aimed at reducing greenhouse gas and other climate pollutant emissions, while making our natural and built environments more resilient to the unavoidable impacts of climate change. We look forward to the further development and implementation of the NJ PACT rules by permittees through the CSO permit and other applicable regulations.

We encourage permit holders to use the EPA's Climate Resilience Evaluation and Awareness Tool (CREAT) 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. Therefore, ensuring the work is well-planned, adequately funded, and maintained accordingly is critical.

As one of the most significant public investments a municipality or utility will make, it is crucial to maintain transparency with the public regarding progress, funding sources, avenues for monitoring compliance, and methods to ensure construction and maintenance are executed as planned, thereby preventing future system failures. We strongly support the new operation and maintenance (O&M) provisions requiring routine, scheduled collection system maintenance to minimize CSO-related street and basement flooding.

The permittees should be required to certify that the CSO regulators, tide gates, and outfall structures are all set properly and functioning properly to ensure that there are no dry weather overflows (which could happen if the regulators are set improperly and/or if the tide gates are stuck open) and that wet weather flow is captured optimally.

- **We request that NJDEP develop clear and specific inspection, monitoring, and enforcement procedures to ensure the permittee complies with the system cleaning program for 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, as well as their 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?

We strongly support provisions for a Compliance Monitoring Program and Post Construction Compliance Monitoring Program that meet the requirements of the draft permit. The ongoing improvement, updating, and use of a hydrologic and hydraulic model is critical for assessing LTCP assumptions and results. An effective and ongoing public notification system for CSO events is also very important.

6. Green Infrastructure (GI)

Regarding green infrastructure, many meaningful green infrastructure (GI) projects are not being considered as part of these permits. Please encourage the permit holders to re-evaluate opportunities to include GI. 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. We strongly recommend frontloading the completion of GI projects earlier in the implementation schedule, within the first five years, to increase engagement and maximize community benefits. Currently, the completion of GI projects is spread out across the 40-year timeline, and should be shifted earlier in the timeline to add community benefits and increase engagement, especially where it can help achieve a significant reduction in the number of CSO events by eliminating CSOs associated with smaller precipitation events. We suggest that NJDEP has been too focused on total percent capture and insufficiently focused on minimizing the number of CSO events, which would also reduce the number of times recreational users must be dissuaded from using the surface waters.

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.

Permit holders 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 expect permittees to conduct LCTPs simultaneously with green streets to reduce the overall cost and impact on community members during construction.

7. Water Quality

There are 16 CSO outfalls that discharge into the Arthur Kill and the Raritan River. We are pleased to see a significant amount of the more costly construction and design activities being targeted early in the implementation schedule, resulting in a 70% capture rate within the first 16 years. It is disappointing to read that the community will have to wait 40 years to reach the minimum 85% capture requirement. This delay will harm the water quality in local water bodies, those using these waters for recreation, the residents who live in the CSO-sheds, and the potential for reduced combined sewer flooding into streets and homes.

Regarding water quality, we are concerned that the prolonged timeline for achieving 85% capture in the MCUA service area and the City of Perth Amboy will continue to further impair the surrounding water bodies and delay the community's ability to enjoy safe recreational activities along their waterfronts. This further underscores the need to accelerate the CSO reduction projects and substantially shorten the timeline.

Given all the above points, we urge the NJDEP to work with permit holders to shorten the timeline, as 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 and Community Members

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