



Testimony on Solving Sewer Overflows: Getting Ahead of the Flow New Jersey Clean Water Council

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137 West Hanover Street
Trenton, NJ 08618
(609) 393-0008 *Tel.*
(609) 393-1189 *Fax*
www.njfuture.org

Contact: [Chris Sturm](#), Senior Director of State Policy, (609) 393-0008 ex. 114
[Jane Rosenblatt](#), Planning and Policy Associate, (609) 393- 0008 ex. 110

Thank you to the Clean Water Council for the opportunity to testify today.

Solutions for combined sewer overflows (CSOs) and community revitalization must go hand in hand. Addressing CSOs will impose a tremendous economic cost upon the 21 affected cities, their residents and small businesses, many of which have limited resources. The only way to justify the expense – and to build public support for the necessary investments – will be to design the Long Term Control Plans (LTCs) to invest in the community and generate tangible benefits at the same time.

New Jersey needs a strategic approach for addressing CSOs. New Jersey Future has convened a diverse set of stakeholders to address this question. Last May, under the leadership of governors Whitman and Florio, the group published an “Agenda for Change” that outlined guiding principles and identified action steps.

The action steps include education and raising awareness; optimization of existing systems and asset management; building capacity and fostering cross-jurisdiction collaboration; leveraging early successes to generate political support; and diversification of funding sources. We are now working with a large working group to move forward on the action steps. Early projects include identifying best practices for LTCs clarifying the legal authority for stormwater fees.

We applaud the New Jersey Department of Environmental Protection (NJDEP) and the U.S. Environmental Protection Agency (USEPA) for co-hosting with New Jersey Future the January 8 conference on LTCs. New Jersey Future additionally commends the NJDEP’s commitment to assisting CSO permittees with compliance with the new permits. We have identified a several recommendations that will make that effort much more successful.

Reopen CSO funding programs from the New Jersey Environmental Infrastructure Financing Program (NJEIFP), and provide clearer guidance and more technical assistance.

NJEIFP recently offered CSO communities special funding for Integrated Planning, which included a 50-percent principal forgiveness component. But no one has applied. The NJEIFP should reopen this funding stream and provide clear guidance to applicants. (According to USEPA the biggest obstacle to applying for Integrated Planning funding is a lack of understanding by applicants of the requirements and steps.) The NJDEP should provide a

practical guide to Integrated Planning for CSO municipalities, including a list of requirements necessary to obtain the funds.

The NJEIFP also recently provided CSO communities with special funding for green infrastructure, including a 50-percent principal forgiveness component. Only two municipalities have been able to complete the application process successfully. The NJEIFP should reopen this funding stream. It should also find ways to simplify the application process and provide necessary technical assistance to applicants.

Provide clear guidance on the Long Term Control Plan requirement for green infrastructure. The draft LTCP permit requires applicants to consider green infrastructure as an alternative, but it is not clear what this briefly-worded requirement entails. For example, in its March 2014 document, Greening CSO Plans, the USEPA recommends that CSO permittees systematically evaluate the cost-effective opportunities for green infrastructure first, before evaluating gray-infrastructure opportunities.¹ Will this be required of CSO permittees? Will the NJDEP accept LTCPs dominated by gray-infrastructure solutions, provided a few token green infrastructure projects are included? The NJDEP should provide clear guidance and host a meeting of CSO permittees to discuss these issues and work through technical questions and other concerns.

Integrate green stormwater management techniques, or “green streets,” into road projects, thus providing tremendous opportunities to manage stormwater more effectively.

Unfortunately, many local engineers oppose such projects because they are not explicitly referred to in the NJDOT Roadway Design Manual. Nor does NJDOT have its own policy of integrating green stormwater management into its projects, especially in CSO and other flood-prone communities. The NJDEP should form a partnership with the NJDOT to expand its Complete Streets policy to encompass “green streets.” As part of the Green Streets policy, the NJDOT should revise its roadway design manual, prioritize green stormwater management for its own projects, and provide technical assistance and incentives for local governments to do the same.

Improve the Stormwater Management rule to establish a strong standard for on-site retention of stormwater runoff for the development and redevelopment of small and large sites. In addition, the NJDEP should update the model municipal stormwater ordinance so that it establishes a strong standard for on-site stormwater retention as recommended by the forthcoming Sustainable Jersey model ordinance.

Support local entities in adopting stormwater fees. Stormwater fees are used by over 1,400 municipalities in 39 states to raise funds to manage and upgrade stormwater infrastructure. Many of them provide credits to property owners that use green infrastructure to capture stormwater on-site, creating an economic incentive for property retrofits. New Jersey’s sewer utilities are authorized to charge property owners for stormwater generation in CSO drainage areas, because stormwater mixes directly with sewage. The NJDEP should provide administrative support and technical assistance to CSO municipalities and utility authorities that seek to adopt stormwater fees.

¹ http://water.epa.gov/infrastructure/greeninfrastructure/upload/Greening_CSOP_lans.PDF

Facilitate partnerships among city and utility elected and appointed officials, city staff and community groups to advance CSO solutions that strengthen their communities. The NJDEP should foster such partnerships by holding several regional workshops for CSO municipalities and regional wastewater utilities in 2015. For example, there should be one workshop for the North Hudson Sewerage Authority and its municipalities. The NJDEP should recruit for participation all local community development and environmental organizations, including garden clubs, Sustainable Jersey green teams, and so on, as well as regional and statewide planning and environmental organizations with an interest in the issue.

On behalf of New Jersey Future, I thank you for the opportunity to testify. We look forward to working with the Clean Water Council and the NJDEP to help our cities achieve a strong economy, a sound environment and an excellent quality of life.

New Jersey Future is a nonprofit organization that promotes smart growth-- growth that fuels a strong economy, strengthens our communities, preserves open spaces and makes it easier to get around. You can learn more about our work on urban water infrastructure at www.njfuture.org/water.