



**Testimony on
Draft NJPDES CSO Permits- Town of Guttenberg and North
Bergen Municipal Utilities Authority**

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Thank you to the New Jersey Department of Environmental Protection (NJDEP or the Department) for the public hearing on the draft New Jersey Pollutant Discharge Elimination System (NJPDES) combined sewer overflow (CSO) permits issued to the Town of Guttenberg and the North Bergen Municipal Utilities Authority. We appreciate the opportunity to provide comments that will allow for increased public engagement around CSOs and are a step towards improving water quality in New Jersey.

New Jersey Future is largely in support of this draft permit, and supports requirements to reduce combined sewer discharge to improve water quality in New Jersey. Addressing water quality issues by 1) reducing flooding and CSO discharges, and 2) ensuring the proper maintenance of infrastructure are important tools to protect public health, the environment, and economic redevelopment. We ask that the final permit have clear conditions for permittees, and that DEP create guidance documents for the highest design standards, implementation, and public engagement.

Here are some areas we think need clarification.

Green Infrastructure/Control Measures:

We support the Department's prioritization of green infrastructure projects in the first five years of the permit to improve water quality, reduce localized flooding, and increase wet weather CSO capture. CSO control alternatives, including green infrastructure, are important components in achieving 92% capture of combined sewage collected during wet weather. Our questions include:

- NJDEP should prioritize controls and projects based on the impact of CSO volume reduction and water quality improvements, including well-designed green infrastructure. Green infrastructure has a greater impact than a gray infrastructure project depending on where you are and what you are doing.
 - Question: How can NJDEP ensure that green infrastructure is explored as part of gray infrastructure projects?
- DEP must ensure that the benefit from the few green infrastructure projects required as part of this permit be maximized by accelerating timelines.
 - Question: To maximize benefits from the green roof ordinance can you include a requirement that this ordinance be implemented ASAP, rather than wait until 2026?

- The permit must require the permittee to provide documentation that all green infrastructure practices are being inspected and maintained in accordance with the operations and maintenance manual.
 - Question: Once again, what will be the enforcement mechanism to ensure that these green infrastructure practices are being properly maintained?

Climate change/resilience:

We are happy to see that the facility flood proofing plan is based on sea level rise data that will protect the plant from climate threats. Questions:

- How will NJDEP incorporate New Jersey Protecting Against Climate Threat (NJPACT) rules, anticipated in 2023, into this permit and future permits?
- Will future hydrologic and hydraulic modeling be updated, based on precipitation data and modeling from the Northeast Regional Climate Center released in November 2021?

Funding/Affordability:

We appreciate affordability being incorporated into the Asset Management Plan. This permit should not extend the timeline for requirements to reduce rate increase, as this will extend the time that the community faces environmental and public health issues.

- Can NJDEP be more specific in its guidance to permit holders around other cost-effective, innovative financing opportunities to help finance this work equitably, such as Infrastructure Bank low-interest loan programs, utilizing more green infrastructure, grants, and more?
- This permit does not mention distribution of costs between the municipal and utility permit holders. Is there a consideration of fair distribution of costs between municipal and utility permit holders applied across all permittees?

We ask NJDEP to please strengthen language in all areas, especially regarding public engagement and please provide permittees separate guidance documents. Thank you, and we look forward to your responses.