



**Comments on  
Draft NJPDES CSO Permits  
North Hudson Sewerage Authority**

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**Patricia Gardner, Assistant Commissioner, Water Resource Management, NJDEP**  
**Susan Rosenwinkle, Bureau Chief, NJDEP**  
**Nancy Kempel, Dwayne Kobesky, Joe Mannick, Marcus Roorda**

Dear Assistant Commissioner Gardner and Bureau Chief Rosenwinkle,

Thank you to the New Jersey Department of Environmental Protection (NJDEP or the Department) for the opportunity to provide comments on the draft New Jersey Pollutant Discharge Elimination System (NJPDES) combined sewer overflow (CSO) permits issued to the North Hudson Sewerage Authority, Adams Street Wastewater Treatment Plant (NJPDES Permit No. NJ0026085) and the River Road Wastewater Treatment Plant (NJPDES Permit No. NJ0025321). We appreciate the opportunity to provide comments that we hope will allow for increased public engagement around CSOs and can be a step towards improving water quality in New Jersey.

New Jersey Future (NJF) appreciates that the permit addresses the following issues: climate resilience, green infrastructure, environmental justice, and increased public engagement. However, we request modifications to this permit for stronger requirements, enforcement, and public engagement in a few areas.

We ask that this final permit, and all future CSO permits, have clear conditions and requirements reflecting the highest standards for design of control measures, implementation, and public engagement. We ask that NJDEP work with the permittee to shorten the implementation timeline, as the high impact CSO control storage tank project is planned to be completed during the later part of the schedule. Where updated permit requirements are not possible, we request that NJDEP provides separate supplemental guidance documents to permittees. Below are NJF's recommendations.

**Green Infrastructure/Control Measures:**

NJF regards green infrastructure as an integral stormwater management practice and an essential climate-resilient solution that has benefits for CSO volume reduction and water quality improvement. CSO control alternatives, including green infrastructure, are important

components in achieving 87% capture of combined sewage collected during wet weather. Our recommendations include:

- NJDEP should prioritize controls and projects based on the impact of CSO volume reduction and water quality improvements, including well-designed green infrastructure. We have noticed that while green infrastructure is being implemented by the City of Hoboken, the North Hudson Sewerage Authority has not included green infrastructure in its plans.
- The Department should provide additional guidance for permittees to ensure that high-impact green infrastructure is considered as part of gray infrastructure projects to address both solutions simultaneously and achieve economies of scale while ensuring affordability to ratepayers.
- The City of Hoboken has planned for and designed green infrastructure, such as the Southwest Resiliency Park and the Northwest Resiliency Park. It is important that these parks and green infrastructure projects are maintained in order to reduce the amount of stormwater being sent to the wastewater treatment plant after heavy precipitation events. The permittee should collaborate with the City of Hoboken to ensure that their green infrastructure projects are being properly maintained, and explore additional green infrastructure projects where feasible.
  - NJDEP should require the permittee to monitor and track the impact on CSOs of green infrastructure projects implemented by the municipality to ensure they are being properly maintained.
  - NJDEP should encourage the permittees to explore the feasibility of green infrastructure projects in Weehawken, Union City, and West New York.
- NJF considers urban parks as an important tool to manage stormwater and protect watersheds. Parks can infiltrate, treat, and store stormwater, which reduces the quantity that is sent to the treatment plants and reduces localized flooding.
  - As NJDEP updates the Green Acres rules, the Department should encourage permittees to explore how to work with Green Acres staff on ways to manage stormwater without diverting park land.

### **Climate Change/Resilience:**

As New Jersey experiences the impacts of climate change, it is imperative to plan ahead to reduce flooding issues and create climate resilient communities. It is essential to use updated and accurate data to protect the environment, infrastructure, public health, and community members. Due to its location, Hoboken experiences both coastal and inland flooding. For this reason, the permittee should review how the precipitation projections and sea level rise affects the implementation plan.

At this time, there is still vague language in the permits related to climate change and adaptive management planning. This should be addressed to provide more consistent and clear guidance that aligns with the pending New Jersey Protection Against Climate Threat (NJ PACT) rules. Specific recommendations include:

- Provide clear guidance on how NJPACT rules, anticipated in 2023, will be incorporated into this permit and future regional CSO permits.

- Future hydrologic and hydraulic modeling should be updated, [based on precipitation data and modeling](#) from the Northeast Regional Climate Center released in November 2021.
- The Department should require the permittee to document and report on how climate change impacts CSO removals.

**Funding/Affordability:**

We encourage the NJDEP to ensure the shortest timelines possible, in order to reduce the time that the community faces environmental and public health issues related to CSOs while still ensuring affordability. We are concerned that the timeline for implementing the storage tanks is stretched until 2045, which increases the impact on water quality and public health. The permit holder explains that they delayed these projects in order to not incur more debt. Given that the LTCP was crafted prior to the availability of federal water infrastructure funding, we suggest that NJDEP and NHTSA revisit financing of these critical storage tank projects and find ways to shorten the timeline while maintaining affordability.

NJF recommendations include the following:

- NJDEP provides specificity in its guidance to permit holders around other cost-effective, innovative financing opportunities to help fund this work equitably, such as Water Bank low-interest loan programs, utilizing more green infrastructure, grants, and more.
- The Department provides ongoing grant opportunities for stormwater utility feasibility studies to encourage permittees to explore the creation of a dedicated and equitable stormwater fee to comply with LTCP obligations.
- NJDEP provides guidance to permittees on tracking and demonstrating how affordability is incorporated. Additionally, there should be guidance regarding alternative calculations that will reduce the burden to ratepayers, accelerate community benefits, and improve water quality. These calculations would include the revenue generated by implementing a stormwater utility and assuming that the most expensive projects would be funded by the Water Bank. We recognize that the Department cannot require a permittee to seek Water Bank funding or implement a stormwater utility. However, requiring the permittee to make the associated calculations, can demonstrate how timelines may be shortened and rate burdens could be reduced resulting in environmental and public health benefits that could be realized more quickly and at a lower cost to ratepayers.
- NJDEP collaborates with the permittee to ensure the shortest timeline practicable, especially for the critical storage tank project that will provide high impact CSO volume reduction. To reduce the timeline of 2045 as stated in the permit, the permittee should be encouraged to apply for federal water infrastructure funding that was not available when the LTCP was released. This once-in-a-generation funding opportunity can reduce the debt the permittee would need to take on to reduce the timeline, and would not place the cost onto ratepayers.

In February 2023, the Environmental Protection Agency (EPA) released the final 2023 [Clean Water Act Financial Capability Assessment Guide](#), which was created to help communities “seek ways to minimize financial impacts while ensuring residents also enjoy the benefits of

infrastructure investments and improved water quality.” This EPA guidance encourages municipalities to integrate stormwater management practices, such as green infrastructure, to reach compliance set forth in the Clean Water Act. To ensure that rate-payers are not affected by the impacts of longer schedules while minimizing financial impacts on lower income households, NJF asks that NJDEP and permittees for this permit and subsequent CSO permits, follow the EPA’s 2023 Clean Water Act Financial Capability Assessment Guidance.

- NJF recognizes that it is vital to consider the financial impact on lower income rate-payers and overburdened households. NJF recommends that a review of the permit holder’s financial capability analysis, including interest and inflation rates and related calculations be incorporated into the permit and clarify how affordability for lower income households is reflected.

### **Public Engagement and Environmental Justice**

NJF appreciates the aspects of the permit that require public engagement, such as the requirement of hiring a Long Term Control Plan (LTCP) Coordinator, continuing a CSO Supplemental Team and subsequent team meetings, and the creation of a website with public notifications. Engaging and informing the community are important tools towards reducing or eliminating CSOs, which is why we ask NJDEP to strengthen requirements related to environmental justice, accessibility, and language justice.

- The Long Term Control Plan Coordinator requirement is a positive shift toward transparency. NJDEP should provide clear guidance on training and onboarding so that this position is consistent and transparent across all permit holders.
- We support the requirement of permittees to hold Supplemental Team meetings that require permittees to notify the Department of Environmental Justice 30 days in advance of a meeting, in order to include overburdened communities. Holding a combination of virtual and in-person meetings that are accessible must be a requirement and should include all community members. Hosting these meetings in different and diverse neighborhoods will allow for easier access. Regular meetings that provide a consistent and clearly defined feedback loop with the public where they are able to provide input as projects are implemented, and see how or if input is incorporated into final decisions will make the implementation process more successful. Recommendations include:
  - Ensuring that overburdened communities are fairly represented on Supplemental Teams.
  - Requiring a minimum number of meetings yearly or quarterly to provide updates to the CSO Supplemental Team and the public to maintain transparency, consistency, and engagement.
  - Clearly define accessibility of meetings in this permit, including how documents will be translated, into what languages, and where they will be posted
- Sewage back-ups may expose community members to *Escherichia coli* (*E. coli*) and other harmful bacteria and chemicals. Since this permit will not completely eliminate all flooding and water quality issues, it is important that community members are notified in advance of possible flooding events. We recommend that NJDEP require permittees to

create alerts through a municipal notification system, similar to those used for emergency situations, in advance of potential sewer back-ups.

Overall, New Jersey Future supports this draft permit as it will improve water quality and reduce combined sewer overflows. However, we ask NJDEP to please ensure the shortest timeline practicable for implementation and to strengthen requirements as recommended above, and where that is not possible, to provide permittees separate guidance documents for the highest design standards, implementation and public engagement. We appreciate this opportunity to provide comments on the draft NJPDES CSO permits issued to the North Hudson Sewerage Authority, Adams Street Wastewater Treatment Plant, and River Road Wastewater Treatment Plant.