



**Comments on
Draft NJPDES CSO Permits—Camden County Municipal
Utilities Authority, City of Camden, and Gloucester City**

January 22, 2024

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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 Camden County Municipal Utilities Authority (Permit No. NJ0026182), City of Camden (Permit No. NJ0108812), and Gloucester City (Permit No. NJ0108847). We appreciate the opportunity to provide comments.

New Jersey Future (NJF) appreciates NJDEP's hard work on drafting these permits 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 priorities in protecting public health, the environment, and economic redevelopment. We ask that this final permit and all future CSO permits have clear conditions and requirements reflecting the highest standards for the design of control measures, implementation, and public engagement.

Here are some areas we think need clarification, as well as our recommendations.

Green Infrastructure/Control Measures:

NJF regards green infrastructure as an integral stormwater management practice and an essential climate-resilient solution that benefits CSO volume reduction and water quality improvement. CSO control alternatives, including green infrastructure, are important in achieving 85% 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.
- The Department should provide additional guidance for permittees, particularly Gloucester City, to ensure that high-impact green infrastructure is considered part of gray infrastructure projects to address both solutions simultaneously and achieve

economies of scale while ensuring affordability to ratepayers. The City of Camden and fellow permittees should be encouraged to explore opportunities for Complete and Green Streets implementation. 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 implement their Long Term Control Plans (LCTPs) simultaneously with green streets to reduce the overall cost and impact on community members during construction.

- NJDEP should provide technical assistance for permittees to conduct a green infrastructure feasibility study to determine locations with a large amount of impervious cover that will benefit from implementing green infrastructure projects to mitigate flooding. For example, the Department should provide mapping assistance and GIS licenses to permittees to identify locations for green infrastructure projects.
- NJDEP must ensure that the benefits from green infrastructure and flood mitigation projects included in these permits are maximized by accelerating timelines and creating maintenance plans.
- The permittees should work collaboratively across municipalities, with community members and community-based organizations to identify locations for green infrastructure projects to maximize community benefits. Green infrastructure can be a strong educational tool to increase public awareness of water quality and flooding issues. Specifically, the Camden SMART initiative created in partnership with the City of Camden, Camden County Municipal Utilities Authority (CCMUA), NJDEP, Rutgers Cooperative Extension, Camden Community Initiative, and the New Jersey Tree Foundation should work collaboratively with Gloucester City. There is an opportunity to expand green infrastructure and flood mitigation projects across municipal borders.
- NJDEP should require that the permittees monitor and track the impact of green infrastructure projects implemented by the permittees on CSOs. The Department should ask that permittees provide additional information on the status of green infrastructure and flood mitigation projects included in the permit, including Camden SMART projects and the Camden Rain Barrel Installation Program.
- NJDEP must include interim project deliverables in this permit and subsequent permits. To increase transparency, the permittees should provide NJDEP with project locations and descriptions of each green stormwater infrastructure project.

Implementation Timelines

- To improve water quality, NJDEP should encourage the permittees to shorten project timelines to achieve 85% capture, as prolonged timelines will further impair the Delaware River, the Cooper River, and Newtown Creek. NJDEP should encourage permittees to reduce the 2038 project completion timeline in the permit so as not to prolong and worsen water quality impairments.
- We recommend that the permittees come together to discuss the CSO system cleaning in Gloucester City and the City of Camden and the timing for the LTCP implementation. Given CCMUA's agreement with both municipalities, it may be possible to consider collaboration between CCMUA and Gloucester City to expedite CSO system cleaning.

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 climate-informed data to protect the environment, infrastructure, public health, and community members. As such:

- NJDEP should provide clear guidance on how the New Jersey Protection Against Climate Threats (NJ PACT) rules will be incorporated into this permit and future permits, especially the anticipated Resilient Environments and Landscapes rule.
- Future hydrologic and hydraulic modeling should be updated [based on precipitation data and modeling](#) from the Northeast Regional Climate Center released in November 2021.
- NJDEP should provide guidance to permittees on how to use the newly released [Extreme Precipitation Projection Tool](#), which projects increased precipitation intensity due to climate change.
- The Department should require the permittees to document and report the impacts of climate change on CSO removals. NJDEP should also require permittees to make public how climate change will impact their vulnerability assessments during emergencies, such as extreme weather worsened by the changing climate.

Funding/Affordability:

This permit should not extend the timeline for requirements to reduce rate increases, as this will extend the time the community faces environmental and public health issues. We ask permittees to shorten the project timelines so that the project benefits are demonstrated within ten years. Given that the LTCPs were crafted before the availability of federal water infrastructure funding through the Bipartisan Infrastructure Law and American Rescue Plan Act, we suggest that NJDEP, the City of Camden, Gloucester City, and CCMUA revisit financing of these critical projects and find ways to shorten the timeline while maintaining affordability for ratepayers. This once-in-a-generation funding opportunity can reduce the debt the permittees would need to take on to shorten the timeline and could limit the cost for ratepayers.

Recommendations include:

- 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.
- NJDEP should encourage permittees to collaboratively apply for Water Bank funding and financing to distribute the project cost among CCMUA ratepayers. By distributing the cost among CCMUA ratepayers instead of just the City of Camden or Gloucester City, the 15-year project timeline could be significantly reduced while ensuring affordability.
- NJDEP should provide future funding for stormwater utility feasibility studies through additional rounds of Technical Assistance for Stormwater Utility Feasibility Studies. Establishing a stormwater utility will help offset future costs to ratepayers.
- NJDEP should require permittees to thoroughly review funding alternatives, such as a stormwater utility and Water Bank funding and financing, that will shorten project timelines while ensuring affordability to ratepayers.

- NJDEP should incorporate a review of the permittee’s financial capability analysis (see below), and the permittee should clarify how affordability for lower-income households is reflected in the analysis.

In February 2023, the Environmental Protection Agency (EPA) released the final 2023 [Clean Water Act Financial Capability Assessment Guide](#), 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 with the Clean Water Act. To ensure that ratepayers 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 to clarify how affordability for lower-income households is reflected.

Public Engagement, Environmental Justice, and Public Notification

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. Thank you to NJDEP for completing an updated version of supplemental guidance regarding public engagement that included feedback from partners and community groups.

Some recommendations and suggestions we would like clarified in the public engagement guidance document include:

- 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 before a meeting 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 the public may 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:
 - Creating one Supplemental Team for the City of Camden, Gloucester City, and Camden County.

- Ensuring that overburdened communities are fairly represented on the Supplemental Team and include representatives from the City of Camden, Gloucester City, and Camden County.
- 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 throughout the lifecycle of the LTCP.
- Clearly define accessibility of meetings in this permit, including how documents will be translated, into what languages, and where they will be posted.
- 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 may be regional and not city-specific, we highly encourage that members represent the specific municipalities included in that regional permit and that at least one of the community members representing a municipality be present at every meeting.
- 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 overflows and 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 with separate guidance documents for the highest design standards, implementation, and public engagement. We appreciate this opportunity to comment on the draft NJPDES CSO permits issued to the Camden County Municipal Utilities Authority, the City of Camden, and Gloucester City.