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COMMENTS

**Comments on
Middlesex County Utilities Authority and the City of
Perth Amboy Draft Combined Sewer Overflow (CSO)
Permits
Submitted to the New Jersey Department of
Environmental Protection (NJDEP) via Email**

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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 New Jersey Pollutant Discharge Elimination System (NJPDES) Draft Combined Sewer Overflow Permits issued to the Middlesex County Utilities Authority (MCUA) (NJ0020141) and the City of Perth Amboy (NJ0156132). We appreciate the opportunity to provide comments as part of the public review process and recognize the Department's continued leadership throughout the CSO Long Term Control Plan (LTCP) process.

New Jersey Future (NJF) is a nonprofit, nonpartisan organization working to build sustainable, thriving communities across New Jersey. We advance smart, equitable growth that prioritizes redevelopment, strategic infrastructure, inclusive and affordable neighborhoods, protected natural lands, and transportation choices beyond cars. Through research, policy, advocacy, coalition-building, and hands-on support, we turn ideas into real-world solutions.

NJF largely supports this draft permit and requirements to reduce combined sewer discharges and improve water quality in New Jersey. Addressing CSOs through a combination of grey and green infrastructure is critical to protecting public health, restoring waterways, and building climate-resilient communities. However, we have concerns regarding the proposed timelines and structure of green infrastructure implementation, as well as the long-term effectiveness of these investments without stronger maintenance and climate resilience requirements.

Below are areas that require clarification, along with our recommendations.

Green Infrastructure/Control Measures:

NJF regards green infrastructure (GI) as an essential stormwater management practice and a critical, cost-effective, and climate-resilient solution for reducing CSO volumes and improving water quality. While we appreciate the inclusion of green infrastructure in the LTCP, we are concerned that GI projects are distributed across the full 40-year timeline rather than being implemented earlier to build on existing momentum from Municipal Separate Storm Sewer System (MS4) planning and watershed-based efforts.

Rather than front-loading green infrastructure investments, the current schedule delays many GI projects until later decades, missing an important opportunity to deploy low-cost, nature-based

solutions that capture, store, and treat stormwater at its source, before it contributes to sewer overflows.

We recommend that NJDEP require the following:

- Accelerate and front-load green infrastructure implementation so that GI projects are constructed earlier in the permit term, rather than dispersed across the full 40-year plan.
- Integrate green infrastructure with grey infrastructure construction, using a “dig-once” approach wherever feasible. Coordinating GI installation with sewer or roadway work will reduce costs, minimize community disruption, limit soil disturbance, and improve overall project efficiency.
- Prioritize GI projects that maximize CSO volume reduction, water quality benefits, and community co-benefits, including heat mitigation, neighborhood beautification, and public education.
- Require tracking and reporting of GI performance, including the impact of GI projects on CSO reductions and stormwater volumes managed.

In addition to water quality benefits, green infrastructure investments help build local workforce capacity, mobilize community volunteers, and create visible, neighborhood-scale improvements that strengthen public support for CSO solutions. These benefits are diminished when GI is delayed for decades.

Climate Change/Resilience

The proposed 40-year timeline raises significant concerns, given the accelerating impacts of climate change. New Jersey is already experiencing increased precipitation intensity, more frequent extreme weather events, and sea level rise, with the Northeast region outpacing national averages. Allowing CSO solutions to extend across four decades risks permitting worsening flooding and water quality degradation to continue unabated. These impacts are particularly concerning for Middlesex County and Perth Amboy, where existing water quality impairments may be further compounded by large-scale infrastructure projects, such as the anticipated Northeast Supply Enhancement (NESE) Pipeline.

We recommend that NJDEP:

- Ensure that CSO planning and implementation timelines reflect current and projected climate conditions, rather than historic precipitation data.
- Require permittees to document and report how climate change impacts are expected to affect CSO frequency, volume, and receiving waters.
- Encourage adaptive management approaches that allow permittees to adjust project sequencing and design as climate conditions evolve.

Operations, Maintenance, and Workforce Capacity

NJF emphasizes that the long-term success of GI depends on clear, enforceable maintenance requirements and coordination across municipal and county departments. Without consistent maintenance, green infrastructure will eventually become inoperable, losing its intended benefits in terms of water quality and flood mitigation over time.

We recommend that NJDEP require:

- Clear assignment of long-term maintenance responsibilities for all green infrastructure projects.
- Publicly accessible maintenance schedules and reporting, to ensure transparency and accountability.
- Capacity-building investments for municipal staff and contractors, including training programs and workforce development initiatives focused on GI maintenance and operations.

Overall, New Jersey Future supports this draft CSO permit as an important step toward improving water quality and reducing combined sewer overflows in Middlesex County and Perth Amboy. However, we urge NJDEP to strengthen the permit by accelerating green infrastructure timelines, integrating GI with grey infrastructure investments, addressing climate change impacts more explicitly, and ensuring robust long-term maintenance requirements. Where permit language cannot be strengthened directly, we ask that NJDEP provide supplemental guidance documents establishing the highest standards for green infrastructure design, implementation, long-term maintenance, and public engagement. We appreciate the opportunity to provide comments on the draft NJPDES CSO Permits issued to Middlesex County Utilities Authority and the City of Perth Amboy.