



Association of Environmental Authorities of New Jersey

Monday, February 4, 2019

Bill Would Significantly Narrow Number of RSAs Affected by Cap

On Thursday, Jan. 31, the stormwater utilities bill (S1073) advanced in the Legislature. It is now on the Governor's desk. The bill authorizes the establishment of stormwater utilities as well as fees to fund them. As part of an amendment that would add the cost of establishing a stormwater utility to the list of exemptions from the 2% cap, AEA was able to include language that limits the 14A authorities subject to the cap.

To read more, visit <https://www.njleg.state.nj.us/Default.asp> and type "S1073" into the "Bill Search" tool. (More than a dozen AEA member authorities remain subject to the cap law at this time. Affected members should review the proposed rules implementing the cap law. See the article that follows this regarding N.J.A.C. 5:31.)

Does DLGS Have Statutory Backing to Extend Proposed User Friendly Budget Rules to Authorities?

In December, the Local Finance Board posted proposed amendments and new rules for NJAC 5:31 (Local Authorities). These include regulations implementing P.L. 2017 c.290 (the regional sewerage authority cap law), which are at N.J.A.C. 5:31-2.19 through 2.23. The deadline for comments is February 15, 2019.

Some observers have expressed particular concern about the extension of the User Friendly Budget model to authorities and contend this may not be authorized by the enabling legislation. One person commented that it is "a trend of the Division inserting itself into more and more local decision making." If you would like to comment through AEA, please send your thoughts to Peggy by Wednesday, Feb. 13.

DEP Proposes River Reclassifications Affecting Some Dischargers

The DEP has made available a summary and presentation from the Jan. 17 Surface Water

Quality Rules, N.J.A.C. 7:9B-1.15 stakeholder meeting, which Peggy attended on behalf of AEA.

At the meeting the DEP announced that it intended to reclassify 749 river miles, changing them from Category Two to Category One. The DEP has determined these waters are of exceptional ecological significance and/or are exceptional fishery resources.

According to the DEP, certain New Jersey Pollution Discharge Elimination System (NJPDES) permittees that discharge to one of the waters proposed for reclassification "may incur increased costs due to additional treatment required" and this, DEP acknowledges, "may be economically or technologically challenging." At least one AEA member authority was included on a list of affected dischargers shown at the meeting. Information about this has been passed along to the AEA NJPDES Committee.

To read the summary and the presentation, please visit <https://www.njdepcalendar.com/calendar/events/index.php?com=detail&eID=601>. Please contact Peggy if you have any comments or concerns.

DEP Previews Rule Amendments for PFOA/PFOS

AEA was invited to participate in a stakeholder meeting Jan. 18 regarding potential rule amendments relating to Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic acid (PFOS).

The Drinking Water Quality Institute made recommendations for health-based levels of PFOA and PFOS. DEP will begin requiring monitoring of community water systems, "non-transient" non-community water systems, and private wells. At the Jan. 18 meeting, the DEP sought input from stakeholders, about topics including timing, voluntarily submitted data, lab capacity, and costs.

The DEP also discussed draft interim specific ground water quality criteria and draft interim practical quantitation levels (PQLs) for PFOS and PFOA. The drafts are posted at https://www.nj.gov/dep/dsr/ISGWQC_Public_Comment_PFOS_PFOA.html

Comments are due by Tuesday, Feb. 19. Members who wish to comment through AEA can send comments to Peggy by Friday, Feb. 15.

CRR Update & Regulatory Alert ***Integrated Planning Bill***

The following email was passed on to us by long-time AEA member John Hall, of Hall & Associates:

On January 14, 2019, President Trump signed the Water Infrastructure Improvement Act (HR7279). The bill:

- defines an "integrated plan" consistent with and incorporating by reference EPA's June 5, 2012 Integrated Municipal Stormwater and Wastewater Planning Approach Framework,
- allows an integrated plan to address CSOs, CMOM programs for SSOs, municipal stormwater and wastewater, and water quality-based effluent limitations,
- allows and promotes green infrastructure in integrated plans,
- allows integrated plans to include compliance schedules in NPDES permits beyond the 5 year duration of the permit - as allowed under the approved NPDES program.

- Importantly, it also creates, within the EPA Office of the Administrator, a new Office of the Municipal Ombudsman headed by a "Municipal Ombudsman" to assist municipalities with CWA compliance and provide information on available federal financial assistance and opportunities to develop an integrated plan.

Overall, the statute provides permittees flexibility in complying with CWA requirements and clarity in developing integrated plans. The bill is available at <https://www.congress.gov/115/bills/hr7279/BILLS-115hr7279enr.pdf>.

ACMUA Prepares for Legal Action Relating to PFAS/PFOS

The Atlantic City MUA has engaged DeCotiis Fitzpatrick to assess the liability of the FAA Technical Center for contamination of ACMUA's production well with PFAS and PFOS chemicals. ACMUA has also engaged Sher Edling to litigate against manufacturers.

This action comes as ACMUA faces costs of \$20 million to comply with new NJDEP regulations governing PFAS/PFOS. The ACMUA last week issued a press release discussing the reasons the wells were located at the FAA site and detailing the steps ACMUA will have to take to treat and continue to remove the chemicals from its water. [Click here to read the full document.](#)

SAVE THE DATE! AEA Spring Conference is Next Month



AEA spring conference is **Tuesday, March 12** and **Wednesday, March 13**, featuring speakers on privatization in Pennsylvania, energy, and more. Also includes our annual Recognition Luncheon.

Help Show the Quality Work of Public Agencies

Submit a Wave Award Nomination Today

Nominate a Colleague!
Nominate your Organization!



Deadline: Friday, Feb. 8, 2019
Submission forms available at www.aeanj.org

AEA Members Interested in Energy - Consider Participating in our Energy Committee

New Jersey rejoins the Regional Greenhouse Gas Initiative (RGGI). A new community solar program. New ten-year term for Solar Renewable Energy Certificates. Availability of alternative financing programs for energy projects. New energy efficiency and renewable energy technology.



There's a great deal going on in the energy field in New Jersey these days! For that reason, AEA would like to reconvene its energy committee. The committee has long played a role in helping AEA members take advantage of energy technology and financing programs.

If you are interested in participating in the AEA Energy Committee, please [email Peggy](#) or call 609-584-1877.

News Links

We gather industry news from throughout the state so you don't have to! Explore the following headlines and more [at this news link](#)

- Aqua America to buy Pittsburgh gas utilities for \$4.3B
- Passaic Valley Sewerage Commission Settles Worker Accident Case for \$2.28 Million
- Legionnaires' disease bacteria found in Morris County jail water
- Research finds NJ numerical nutrient criterion used to protect streams is too high
- Franklin County municipalities deal with stormwater requirements and costs

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