



ASSOCIATION OF ENVIRONMENTAL AUTHORITIES

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NOTE: This letter was not submitted directly to the Commissioner, but instead was combined with a broader request sent via the Water Sector Security Working Group.

March 19, 2020

Catherine R. McCabe, Commissioner
NJDEP
401 E. State St., 7th Floor, East Wing
P.O. Box 402
Trenton, NJ 08625-0402

Dear Commissioner McCabe,
Under Executive Order 103, Gov. Murphy has empowered you to “promulgate rules to waive, suspend, or modify any existing rules” that are “detrimental to the public welfare during this emergency.” On behalf of the 85 water and wastewater authorities that provide service to millions of New Jerseyans,

AEA recommends the following be considered for waiver or modification:

- Extend NJPDES permit deadlines that involve addition of equipment, processes or new practices for six months to a year.
- Provide flexibility around requirements for on-site Licensed Operators and Gold Seal Boiler oversight.
- Reduce regulatory testing of wastewater effluent
 - Multiple daily tests to once a day
 - Multiple weekly tests to once weekly
 - Weekly tests to once each month
 - Monthly tests to once each 6-months
 - Biannual tests to once each year
- On the drinking water side: reducing or temporarily suspending testing, which doesn’t provide an immediate picture of the safety of a water supply (unregulated contaminants, e.g.) might be helpful.
- Businesses that are necessary to repair or provide parts for backup generators are closing, we are told, and there is concern that if a generator in operation during a power outage fails, there will be no options for addressing this.
- In addition, we recommend that the State specifically identify wastewater and drinking water testing labs as essential and need to remain open.
- Delay by six months the adoption of new rules proposed, including:
 - PFAS/PFOA MCLs and Groundwater discharge proposal
 - Category One proposal

- Deadlines associated with accumulation of TCH credits for water/wastewater licenses
- Delay implementation of the Governor's Executive Order 100

We believe that the bulleted items above are not related to the imminent health and safety of the public, and modifying these deadlines will enable the authorities to focus all of their time and effort on ensuring business continuity measures are adequate to navigate COVID-19.

We recommend a “real-time” or “triage” approach to review and approval of special requests. Using Zoom, Skype or other such platform, DEP staff would make themselves available at a given time daily or every other day. The regulated community could use this standing review session to bring requests and receive guidance from the DEP. While verbal guidance may need to be backed up subsequently, it would provide clarity for the system bringing the question and could help DEP process requests efficiently.

There is a concern about access to school that are closed to do sampling.

AEA is holding a Zoom meeting, open forum,--chance to exchange, collaborate and problem-solve-- Monday, March 23 at 3 p.m. and if DEP or any of our friends in our sector would like to participate please register by contacting Karen Burris – karen@aeanj.org. She will send meeting details.

Please contact me if AEA can assist the DEP with pushing out information or gathering information about needs and status in our member facilities.

Very truly yours,



Peggy Gallos
Executive Director

Cc: AEA President, Justin Flancbaum and AEA Board of Directors