

Science and Technical Advisory Committee Meeting
Technology Building (Rm 107), Ocean County College

December 11, 2019; 9:00 am – 12:00 pm

Attending STAC Members: Dr. Elizabeth Lacey – Vice Chair (Stockton University), Charles Caruso (PPA), Sheri Shifren (NJDEP/WM&S), Keith Marcoon (OCUA), Robert Karl (BTMUA), Victoria Pecchioli (Ocean County Planning), Jim Nickels (Monmouth University), Joe Smith (USFWS Forsythe NWR), Rob Tunstead (USDA-NRCS), Gregg Sakowicz (JCNERR), Christine Wieben (USGS), Robert Shertenlieb (OCUA), Christine Raabe (OCSCD), Dr. Jim Vasslides (BBP)

On Phone: Dr. Swarna Muthukrishnan (COA), Amber Mallm (Monmouth County Planning), Alena Baldwin-Brown (NJDEP WM&S), Barbara Spinweber (USEPA R2)

Attending Guests: Dan O'Rourke (CDM Smith), Dave Mason (CDM Smith), Haley Kardek (AmeriCorps NJWAP)

Staff Members in Attendance: Martha Maxwell Doyle, Emily Pirl, Stan Hales

Welcome and introductions

The meeting began at 9:05am with introductions.

Review of October 16th Meeting Minutes and draft agenda

Corrections requested for last month's meetings

- Alena Baldwin-Brown emailed grammatical corrections, which were incorporated into final minutes.

A motion to approve the amended October 16th Meeting minutes was approved by consensus.

No changes were made to the day's agenda

CCMP Update – Dr. Stan Hales

A revised draft of the CCMP chapters was shared with EPA regional headquarters in November, and the BBP is currently waiting for the EPA's comments. The EPA has not indicated when their review will be complete, so the BBP is unable to provide an anticipated date for when the final report will be ready.

Ms. Shifren indicated that the NJDEP would like to see the final draft after the EPA's comments have been received and incorporated.

Dr. Hales indicated that a "Public Summary" draft is complete, and the BBP will be share it electronically with the partners before it goes to printing.

NJ Stormwater Utilities – presentation by Dan O'Rourke and Dave Mason, CDM Smith

Dave Mason of CDM Smith gave a presentation on NJ's new Stormwater Utilities law, and how similar legislation has been implemented in other states. Mr. Mason received several questions from the STAC. The first question asked if these utilities are better implemented at a

watershed/county or local level. In Mr. Mason's experience many of the utilities operate at a local level due to logistical hurdles at broad scales, though from a water protection/restoration point of view the larger scale makes sense. One member asked when speaking about stormwater utilities in rapidly growing areas, what "services" are being sold as an incentive to approve a utility. Mr. Mason suggested that utility advocates focus on water quality improvements, as those resonate with the public. Lastly, a member inquired if public roads are commonly exempt from the user fee. Mr. Mason responded that yes, public roads usually are, but appurtenant facilities (public works yards, etc.) typically are not. Private roads, such as in fully gated community, are typically not exempt either.

ACTION: A .pdf of the presentation will be sent to STAC members following the meeting.

Working Groups' Updates

a. Shellfish – Jim Vasslides

The Advisory Committee approved the Shellfish Working Group recommendations document, and we hope to present it to the Atlantic Coast Shellfish management Council at their January meeting. The SWG is in the process of scheduling a meeting for January to discuss potential collaborations and recently announced activities.

b. Pathogen – Sheri Shiffrin, NJDEP

Ms. Shiffrin was pleased to announce that there were fewer advisories issued this year related to pathogens at bathing beaches. One area that was a concern was the 24th Street beach area at Barnegat Light. Most of the issues there came following rainfall events, and appeared to be due to domestic animals (people walking dogs). LBI worked with Barnegat Light to help enforce existing ordinances, create additional signage, provide more trash receptacles, etc. By the end of the bathing season the issues were lessened. Lastly, the DEP Bureau of Marine Water Monitoring is in the process of finalizing the contract with Clean Ocean Action to do pollution tracking work in the Toms River watershed as part of the Barnegat Bay Restoration, Enhancement and Protection (REP) Strategy grant funding.

c. Stormwater – Charles Caruso

Charles met last Wednesday with NJDEP MS4 permitting program officials, including the case manager for Ocean County. Among the items that were discussed were the following:

The draft Stormwater Rules that the BBP commented on last February were adopted on December 3, 2019 and will be published in January 2020. Regarding the content of the new rules, it was reported that any substantial changes over the published draft rules would have required a new notice and comment period. Since there was no new notice and comment, it is very likely the new rules are unchanged from the draft rules that BBP commented on. DEP has stakeholder groups to recommend any future changes to the Stormwater Rules and the Stormwater Work Group should consider whether a representative to this stakeholder group should be appointed.

A TMDL for nutrients in Barnegat Bay would need specific language in it requiring "Additional Measures" in order for these items to be included in MS4 permits that would require municipalities to take these additional actions to meet water quality goals. Some

“Additional Measures” already identified in the DEP REP Strategy document of October 2017 include (a) adopting revised stormwater ordinances for new development and redevelopment, (b) expanded stormwater infrastructure mapping, (c) establishing a schedule to retrofit basins to address water quality (d) expand illicit connection identification and elimination. The Stormwater Work Group should work with DEP to identify “Additional Measures” for inclusion in a TMDL.

Compliance with the Stormwater Rules by municipal MS4 permit holders is done by another group in the DEP. We will attempt to have a meeting with this group in Trenton to establish a relationship.

A list of municipal MS4 permit holders in Ocean and Monmouth Counties was shared which shows gaps in compliance for outfall pipe mapping, Stormwater Pollution Prevention Plans, Municipal Stormwater Management Plans, Stormwater Ordinances and Annual Reporting (attached). Only 4 municipalities in Ocean County have completed all requirements, but all 4 municipalities in Monmouth County in the Barnegat Bay watershed have completed all requirements.

The Stormwater Work Group and STAC leadership should consider whether we should arrange a presentation on the new Green Infrastructure requirements of the new Stormwater Rules by Gabriel Mahon of DEP who was involved in the drafting and implementation of these rules.

Regulatory Updates

Dr. Vasslides provided an update to the proposed changes to the US Army Corps of Engineers Statewide General Permits (SPGP) 17 and 19 and General Condition G6a for Nationwide Permits (NWP), which the STAC previously submitted comments on. The Corps and sister agencies had a meeting in December and have agreed that Statewide General Permit 19 will be reauthorized with no changes to the “polluting materials” language. A sub-group will be formed to review the science and come to some sort of consensus in the next 6 months. The proposed changes to SPGP-17 and NWP condition G6a will also be paused pending that sub-group findings. NOAA has asked if the BBP can contribute a subject matter expert to the sub-group.

Dr. Hales informed the STAC about the comment letter he submitted to the Nuclear Regulatory Commission (NRC) recommending a federally-authorized citizen advisory board.

ACTION – BBP Program Office to send out the letter to the STAC and Advisory Committee

Dr. Hales also let everyone know that he has been told by the USACE that they will release the Tentatively Preferred Alternative of the Back Bay Study within the next few days. It is his understanding that tide gates are included in the alternative.

Barnegat Bay Monitoring Plan revision

Dr. Vasslides thanked those individuals who volunteered to be part of the Monitoring Plan working group, and indicated that the tentative plan is to send out an email early in 2020 asking for updates on monitoring programs/projects identified the previous plan. The working group will then meet to lay out a strategy for incorporating those updates into a new format.

Barnegat Bay Habitat Plan

Dr. Vasslides indicated that it is still the Program Office's intention to have a contractor assist with the development of the plan, but we are awaiting the results of a February meeting with the NJDEP, who are also developing a coast-wide habitat restoration plan. The outcome of that meeting will likely influence how the BBP plan proceeds.

STAC 2020 Meeting Calendar

A draft 2020 meeting calendar was included with the email notice for this meeting. Dr. Lacey pointed out that the February meeting was moved from its usual date due to another Program Office commitment that could not be rescheduled. The members of the STAC indicated that the proposed dates were acceptable. Dr. Hales mentioned that an additional meeting/event will likely be added once the CCMP is finalized.

Partner Updates

Dr. Vasslides let the STAC members know that the Beach Haven water quality monitoring sensors will be coming out soon and that the sled deployment method developed this past year is working quite well. The BBP would like to keep the Mantoloking and Seaside sensors deployed as long as possible, but they will eventually be brought in for cleaning and refurbishment in the winter. Lastly, the Program Office will have a new Watershed Specialist starting in January.

Dr. Hales reminded everyone of an announcement the Program Office forwarded last week. EPA is working with Restore America's Estuaries (RAE) to make \$4 million dollars available to organizations working on priority issues within NEP study areas. Additional details regarding the program will be announced over the course of the coming year.

Ms. Maxwell-Doyle informed the members that the state's Regional Greenhouse Gas Initiative (REGGI) credit program will roll-out soon, and funds will go towards forest and wetlands restoration projects, though the exact amounts to each have yet to be determined.

The meeting adjourned at 10:39 am.