

**NEW JERSEY STATE  
EPA  
AGREEMENT**

**FY 81 UPDATE  
RESPONSIVENESS  
SUMMARY**



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RESPONSIVENESS SUMMARY

I. INTRODUCTION

Annually, the Department of Environmental Protection is required to update the State/EPA Agreement (SEA) that was originally signed by the Department of Environmental Protection (DEP) Commissioner and the Environmental Protection Agency (EPA) Administrator in November, 1979. This document is important as it is used in New Jersey as a guide in the protection and management of the quality of the State's water resources. It is the key strategy document that establishes and annually updates a plan to accomplish priority objectives, provides milestones for measurement of progress and allocates staffing and financial resources. The document includes detailed work plans along with their output commitments to be reported on a quarterly basis. The Fiscal Year 81 Update includes, among others, programs under the Clean Water Act, Safe Drinking Water Act, Toxic Substances Control Act and the Resources Conservation and Recovery Act.

RESOURCE SUMMARY BY FUNDING SOURCE

GRANT	FEDERAL	STATE	TOTAL
106	\$ 1,334,000	\$ 3,653,035	\$ 4,987,035
201	112,524,500	12,002,613	124,527,113
205(g)	3,692,263 <sup>1)</sup>	1,000,000 <sup>2)</sup>	4,692,263
208	1,680,250 <sup>3)</sup>	453,417	2,133,667
314 <sup>4)</sup>	882,300	549,736 <sup>5)</sup>	1,432,036
<u>SDWA</u>			
a. Public Water System/ Supervision	540,100	305,044	845,144
b. U.I.C.	112,050	37,350	149,400
<u>RCRA</u>			
a. Planning	105,952	35,318	141,270
b. Open Dump Inventory	158,928	---	158,928
c. Hazardous Waste	853,000	830,568	1,683,568
TOTALS	<u>\$121,883,343</u>	<u>\$18,867,081</u>	<u>\$140,750,424</u>

- 1) Includes FY 81 federal funds plus prior year carry over funds.
- 2) State funds to supplement the administration of the Construction Grants Program.
- 3) Includes 355,250 for stormwater program support.
- 4) Four public lake projects proposed for FY 81 funding.
- 5) Includes approximately \$504,000 in bond funds from Green Acres Program.

This year, the Draft FY 81 Update document was issued for public comment in two parts:

- A. Narrative
- B. Grant applications (including detailed work plans and Output Commitment Table.

The final Update publication will be a single document with program grant work plans as an appendix.

## II. PUBLIC PARTICIPATION

In order to allow for public involvement in the development of the State/EPA Agreement, the following activities were conducted.

Letters (315) were sent (on July 22, 1980) to people believed interested in the State/EPA Agreement process announcing the availability of the draft and describing, in a narrative form, the major aspects of the report. Realizing the extremely short period of time available for public review, the Division of Water Resources decided, if there was a public desire, to hold preliminary public meetings to allow for discussion, questioning, and answering. These meetings were offered to the public and a positive response was returned. Fifty-four responses requesting a meeting were received. All except two requested a day meeting. Initially 150 copies of the report were printed. In order to get maximum circulation, it was decided that library distribution would be used. On August 7, 1980, forty-eight (48) libraries were each sent two (2) copies of the draft report. One copy was to remain in the library and one copy was to be available for circulation.

In order to cover the entire State, three separate meetings were scheduled based on the locations of the respondent (August 18, 1:30 p.m., Lindenwald; August 19, 9:30 a.m., West Caldwell; August 20, 9:30 a.m., East Brunswick). Each person who responded to our questionnaire was notified of the meeting schedule. In addition, a press release was prepared to advertise the meetings.

Since the purpose of the meetings was to respond to questions, clarify issues, and help reviewers understand the document, we attempted to have substantial agency representation at all three meetings. At least eight and up to twelve agency representatives attended each meeting.

Thirty-two members of the public attended the meetings to discuss the report.

Comments and questions received have been collected and are responded to in the next portion of the report. (Due to the presence of agency personnel representing a variety of programs, several discussions were conducted which do not directly reflect on the State/EPA Agreement. These comments are not addressed in this document.)

Prior to the meetings, we were able to print 50 additional copies of the report. These were available to anyone who attended the meeting and/or who requested it. In addition, additional copies of the draft narrative were mailed directly to the members of the N.J. EPA Advisory Group. a brief presentation and discussion was also held with this group.

Public hearings were held in Morristown on September 9, 1980 and in Pomona on September 10, 1980. Staff from both EPA and DEP were in attendance. Public attendance was extremely light at both hearings. Available at the hearings were copies of grant applications, detailed work plans and output commitment tables for several programs. DEP and EPA were asked to extend the review period to allow for a more thorough examination of the documents.

Due to an acknowledgement that the public involvement process associated with this agreement was extremely short, the EPA and the DWR negotiated an extended review period. Notices of this review time extension were mailed to everyone on the mailing list, updated to include participants of the public meetings, public hearings and the N.J. EPA Advisory Group. Final comment period closed October 20, 1980.

One comment received repeatedly was a criticism of the procedure by which the DEP and the EPA solicited public input to the State/EPA Agreement. We were criticised for failing to meet the expectations of the original Agreement which promised involvement of substate governmental agencies and the general public early in the process. We agree this criticism is legitimate. Both EPA and the Division of Water Resources are examining and attempting major revisions in their public participation programs which will allow greater public participation in the development of subsequent updates.

At the Division of Water Resources, increased staffing for public participation work is planned. Creation of a position for Public Participation Coordinator and development of a consolidated statewide public involvement program should result in an improved relationship between the Division and the public. Unfortunately, these mechanisms were not in place in time to develop the early involvement of the public. Conflicting theories on the appropriate timing for initial public input and delays in the actual development of the draft resulted in the unfortunate short period for review. Scheduling of informational meetings with extensive staff involvement was seen by the State and the EPA as a step to aiding public involvement efforts.

By the development and maintenance of a Division public participation program, a relationship will result which will allow the early and continued involvement of the public. A forum will exist for the Division and substate governmental and general public representatives to discuss and understand each other's priorities and concerns at an early enough stage to guide Division programs and, subsequently, the Agreement.

We do not object to your criticisms of our public participation efforts for the Agreement. In fact, we welcome these comments because they serve to reinforce and force the commitment of resources to these efforts. As in other programs pertaining to the protection of the environment, public participation programs require critiquing in order to improve.

### III. RESPONSIVENESS SUMMARY REQUIREMENTS

In accordance with EPA's regulations (Title 40, Part 25) each agency which conducts any public participation activity must prepare a responsiveness summary which shall be made available to those who request it. This summary has three purposes:

1. To let the public know how its comments are being used;
2. To let the public know about the current status of the project;
3. To give decision makers and reviewers an overview of public reactions and the changes made to accommodate them.

#### IV. RESPONSIVENESS SUMMARY--ISSUES

This Responsiveness Summary has been written by DEP with EPA concurrence. It summarizes the responses to comments made by the public regarding the published draft of the FY 81 Update of the State/EPA Agreement. The summary includes comments that were given at the three public meetings, the two public hearings and by mail through October 20, 1980.

##### A. Summary of the Public's Views, Significant Comments, Criticisms and Suggestions

The public recognized that the development of the FY 81 Update was a difficult and complex task. They found that the provisions of the update narrative document were logical derivatives of the original agreement, and that the proposed FY 81 programs continued the predominantly regulatory approach centralized in DEP under New Jersey's Water Resources Law. The Update was found to provide a more consolidated and comprehensive integration of policies and problems than previous documents.

On the other hand, the public was critical of the Update in that it did not emphasize the roles of the counties and the substate Water Quality Management Planning Agencies (208 agencies) and noted the lack of FY 81 208 projects. The public also criticized this year's public participation program. The public said that the primary policy and program thrust of DEP and EPA seems to be toward more regulation, without an equal policy and program commitment to monitoring, surveillance, enforcement and clean-up to achieve the goal of "fishable and swimmable waters by 1983". The public criticized the document as not having a program evaluation (i.e., a critique of the effectiveness of the FY 80 programs in each of the priority issue areas). The public thought that the document seemed to be written by inside professionals for inside professionals which made it "....extremely difficult for local elected officials and the general public to readily read and understand...."

The public made a number of suggestions for improvement which primarily centered on communications with county and local governments and the general public:

1. An Executive Summary should be written in layman's language for all future documents with a program evaluation to inform, educate and involve elected officials and the general public;
2. A regular newsletter should be published for general distribution to get the thoughts and purpose behind the programs down to the local level to people who have expressed an interest in environmental programs;



3. A mechanism should be developed to fund local environmental groups, watershed associations, etc. to maximize the involvement of the citizens across the State in water programs and to develop effective advocates for environmental protection;
4. Improve the public participation program by retaining a strong public constituency with a strong base of support at the local level and maintain a clear and meaningful role for substate agency participation. Integrate planning and implementation between federal, State and local agencies;
5. DEP and EPA should join the New Jersey/New York 208 Coalition and others in requesting that Congress reinstate a 208-type public participation process in water quality management with appropriate funding;
6. Include the FY 81 list of 208 projects in the Update document and reemphasize the role of the counties.

B. Areawide Water Quality Management Planning (208)

The public was quite critical of the 208 portion of the FY 81 Update draft. DEP had not included FY 81 funded projects as, at the time the draft was completed, EPA had not reached a decision. We now have that decision. The FY 80 Work Plans for 208-funded activities are included in the State/EPA Agreement and should be viewed in conjunction with the FY 81 project descriptions.

The following projects were submitted to USEPA Region II for consideration for 208 FY 81 funds. The order in which they are listed reflects the State's priorities calling for projects with maximum statewide applicability.

<u>NJDEP Rank</u>	<u>Project Title</u>	<u>Agency</u>
1	Setting priorities for the permitting of existing solid waste facilities	NJDEP
2	Statewide stormwater program: urban stormwater control through management of environmentally sensitive areas	NJDEP
3	Statewide stormwater program: transferability of control programs	NJDEP
4	Statewide stormwater program: regulatory framework for implementation of stormwater management requirements	NJDEP
5	Statewide ground water program: regulatory framework for implementation ground water management requirements	NJDEP

<u>NJDEP Rank</u>	<u>Project Title</u>	<u>Agency</u>
6	Sole source buried valley ground water modeling of aquifers in Morris County	NJDEP
7	Statewide stormwater program: use of stream corridor protection	NJDEP
8	Application of the stormwater manual to site development	DVRPC
9	Implementation of operational stormwater control measures	NJDEP
10	Development of guidelines for upland disposal of non-municipal residues	NJDEP
11	Management of environmental health services program - institutional and financial management assistance - first priority ground water	NJDEP
12	Development of BMP's for applicational municipal sludge on land	NJDEP
13	Support of three RCWP projects: monitoring and evaluation	NJDEP
14	Determining soil suitability for land treatment technologies	NJDEP
15	Unified watershed management program	Mercer
16	Apply stormwater BMP's to county drainage ordinance, site plan revisions, and stream corridor protection	Atlantic
17	Determining stabilization guidelines for the land application of septage	NJDEP
18	Selection of optimum landfill sites for water quality protection	NJDEP
19	Institutionalization of regional water resources management program to LR/MC	Middlesex
20	Modification of existing soil erosion and sediment control regulations	NJDEP
21	Sensitive lands management in agricultural watersheds	NJDEP

<u>NJDEP Rank</u>	<u>Project Title</u>	<u>Agency</u>
22	Program for transferability of use of stormwater manual in 10 targeted towns	DVRPC
23	Update stormwater manual	DVRPC
24	Small watershed NPS/PS relationships	Mercer
25	Unified ground water management program	Mercer
26	Establish site plan & subdivision review process in Burlington County	DVRPC
27	Septic ordinance transferability to the rest of Cape May County	Cape May
28	Management strategy for runoff control and recharge facilities	Middlesex
29	Agricultural BMP's for ground water protection	NJDEP

The USEPA, Region II considered the above projects together with other proposed projects submitted by agencies from the other states within the region. The USEPA then selected the following 20 projects which were prioritized and forwarded to USEPA headquarters in Washington. The projects assigned the highest priority by USEPA were those proposals which will complete program development activities initiated with previous water quality grants. The following is a list of the 20 projects and the proposing agency.

<u>Rank</u>	<u>Title</u>	<u>Agency</u>
*	Lake George NURP - 2nd - 3rd yr.	NYSDEC
1	Extrapolation and transfer of prototype project results	NJDEP
2	Development of fertilizer best management practices program	NYDEC/LI
3	Financial and institutional modifications to the State of New Jersey Soil Erosion and Sediment Control Act (Chapter 251) regulations	NJDEP
4	Development of a consumer products control program	NY/LI

\* Proposed as part of Headquarters' NURP funds.



<u>Rank</u>	<u>Title</u>	<u>Agency</u>
5	Development of control program for prioritization and pollution abatement with respect to existing solid waste facilities and their associated water quality impacts	NJDEP
6	Operational program development for animal waste management	EQB
7	Development of a construction soil erosion and sediment control program	NYSDEC/West Co.
8	Development of a prototype point/non-point tradeoff analysis program	NYSDEC/CNY
9	Implementation of stormwater operational control programs through agreements with the New Jersey Department of Transportation (NJDOT) and Housing and Urban Development (HUD)	NJDEP
10	Financial management and institutional analysis of NPS (septage, groundwater monitoring, spills and leaks impact) management by county health boards	NJDEP/7 counties
11	Development of a petroleum bulk storage spill control program	NYSDEC/LI
12	Ag NPS Program for La Plata River watershed	EQB
13	Nonpoint source control program for sediment and erosion control and on-lot waste disposal and vessel wastes control in USVI	USVI
14	Development of roadway deicing best management practices program	NYSDEC/WCHD
15	FMAP - Institutionalization of regional water resources management program to Lower Raritan basin	NJDEP/MC
16	Development of a small community sewage disposal financing program	NYDEC/CNY
17	Modeling of the buried valley sole source aquifer and contiguous aquifers in Morris County for groundwater quantity/quality management	NJDEP

<u>Rank</u>	<u>Title</u>	<u>Agency</u>
18	Statewide groundwater monitoring strategy	NJDEP
19	New York City watershed management program	NYDEC/WC
20	Development of a watershed management program for central New York	NYDEC/CNY

Following a review by USEPA Headquarters, six projects submitted by NJDEP were tentatively approved. The six projects and a brief summary are described below. A seventh project (No. 19 on DEP's original list) may be approved if funding is available.

1. Extrapolation and Transfer of Prototype Project Results

Develop an implementation program to provide for the transfer of results from area-specific prototype projects to implementation of operational control programs on a statewide level (Nos. 2,3,4, 5,7,21 on DEP's list).

2. Financial and Institutional Modifications to the State of New Jersey Soil Erosion and Sediment Control Act (Chapter 251) Regulations

Evaluate and make recommendations to improve effectiveness of Chapter 251 program administered by the State Soil Conservation Districts considering both past and new program responsibilities. Project to be undertaken by State Soil Conservation Committee through agreement with the NJDEP (No. 20 on DEP's list).

3. Financial Management and Institutional Analysis of NPS (septage, groundwater monitoring, spills and leaks impact, surface water pollution) management by county health agencies

Establish a broader resource base for more effective management for mitigating of environmental health problems related to water quality. Work to be carried out primarily by counties (No. 11 on DEP's list).

4. Implementation of Stormwater Operational Control Programs through Agreements with N.J. Department of Transportation (NJDOT) and the U.S. Department of Housing and Urban Development (HUD)

To develop agreements with NJDOT, and HUD to include stormwater quality controls in these agencies' respective roadway storm drainage and sewerage rehabilitation projects (Nos. 8,9,16,22,23 on DEP's list).

5. Development of Control Program for Prioritization and Pollution Abatement with Respect to Existing Solid Waste Facilities

To develop a methodology for assessment and prioritizing permit issuance for existing solid waste facilities (No. 1 on DEP's list).

6. Statewide Ground Water Monitoring Strategy

Develop an integrated strategy to determine overall monitoring responsibilities and activities (not on DEP's list).

7. Overtarget Funding Request

A model for integrated water resources management in the Lower Raritan River Basin (No. 19 on DEP's list).

## V. COMMENTS AND RESPONSES

### 1. Comment:

FY 80 SEA presented a detailed one-year work program, which reflected the total resources available to meet water quality issues, and detailed how these funds were to be utilized on each of the 24 priority issues. How effective was the FY 80 program in each of the priority issue areas? How does the FY 81 program relate to that of FY 80, and how will we build on the work and accomplishments of the FY 80 program?

#### Response:

A summary section identifying the environmental and program accomplishments attained through the program strategies in the FY 80 document was not developed this year however the strategy/activity charts are intended to provide a view of the progress attained within a program strategy. The effectiveness of the strategies will ultimately be measured by the improvement in the quality of the State's water resources. A comprehensive evaluation of water quality management program progress can be obtained by reading the SEA in conjunction with the Water Quality Inventory Report (CWA 305b), prepared biennially by DWR. Though the original 24 priority issues have been reorganized, they are embodied in the FY 81 update. Consideration will be given in the FY 82 Update to the incorporation of a section on progress and accomplishments.

### 2. Comment:

Unlike the SEA, the FY 81 update does not clearly delineate the role of county, regional or local governments in these programs. This is particularly true in its attention to the 208 agencies. Please explain.

#### Response:

The county role was articulated in various sections in the draft narrative document. The final document has a separate chapter (2.11) entitled "Role of Counties and Water Quality Management Planning Agencies". This chapter updates the same chapter which was priority statement No. 11 in Document I of the original SEA. This responsiveness Summary contains a full description (above) of the FY 81 project submission and expected funding.

### 3. Comment:

The SEA appears to be a report written by inside professionals for inside professionals. Thus it is extremely difficult for the public to understand the thrust of the SEA. A Summary Volume should be written in laymans language which encompasses Water Resources issues and the process to solve them, and, the role of local governments in SEA programs and the resources available for their implementation. The document should produce a Work Program for the current year, including a recap of the previous year; a prioritized list of programs; who will perform the work; estimation of water quality improvement expected; cost of program and sources of funds. Develop integration between responsible agencies and the public in the updating process, and specifically, between DEF/EPA and the Tri-County WQMPB and its Advisory Committee.

Response:

The public notice and the introduction to the FY 81 Update were intended to serve as an executive summary highlighting the major as well as the more complex issues being presented to the public. The guidelines established by EPA vis-a-vis the SEA update provide for a comprehensive description of the water quality management programs of the State.

Most of the recommended criteria for production of a current year Work Program are, in fact, intrinsic to the SEA with its accompanying one-year Detailed Work Plans. NJDEP will strive to better describe program accomplishments as well as provide an estimation of future, site-specific, improvements in water quality in the next update.

Public sentiment on the SEA updating process has focused DEP/EPA attention on the need to involve substate agencies (including the TCWQB and its Advisory Committee) and the general public more fully in the development of the document (see response to Comment 1).

4. Comment:

Criticism was expressed concerning the distribution and limited availability of the draft SEA. Criticism of using libraries when they may not be able to handle a rush item was stated.

Response:

It was in reaction to the short review period that we decided to use the libraries as a depository for the draft SEA. Each library was notified early that these reports were forthcoming and were told of the need to make them available quickly. Unfortunately, this did not occur in all cases. In our attempt to use natural resources most efficiently, depositories which are accessible to a broad range of people seems appropriate. We also acknowledge that there are different "publics" and strategies designed to address the most appropriate public will be pursued. Nevertheless, whenever it appears to be suitable, we will try to utilize centrally located and accessible depositories.

5. Comment:

We are quite concerned with the implementation of the various strategies identified in the SEA, as a small amount of time has been allocated to many important activities. For example, no allocation of man-years is recorded for the supervision of water quality surveys and analyses, even though 201 funds are identified. The development of policy strategies on effluent chlorine residuals and on limitations for land disposal discharges have no apportionment of man-years.

Response:

The allocation of man-years have been provided wherever practicable. Many of the strategies do not lend themselves to the allocation of man-years, while in some case man-year allocation was not available. The final update indicates man-years where possible.

6. Comment:

Why was there no court reporter at the three public meetings?

Response:

As described in the original notice and at the meetings, those meetings were designed to be an informal discussion between members of the public and agency staff. The intent was to give the public the opportunity to clarify confusions in the SEA thereby making it easier to critique the SEA prior to the hearings. Each agency representative was expected to answer issues and questions raised at any meeting.

7. Comment:

Several comments dealt with the issue of funding to local organizations to aid their ability to participate.

Response:

The EPA and the DWR are supportive of the concept of providing funds to local organizations to assist in our programs. Arrangements have been made to fund certain watershed associations to assist in 201 Citizen Advisory Committee (CACs) training. The Pretreatment Program's public participation element will require subcontracting with local groups. As the Division program takes shape and funding sources are all verified, every effort will be made to utilize resources available in the myriad of local groups.

8. Comment:

Why is there no attention paid to the Clean Water Council and their role in DWR public participation?

Response:

Our preliminary presentation, seen in draft, geared itself to programs specifically related to EPA funded programs. This was too limited an approach and the revised document lists the Council as a part of the Division public involvement process.

9. Comment:

Since the State is taking on responsibilities formerly held by EPA, we recommend the establishment of an oversight committee to evaluate whether the State is indeed pursuing the program efficiently and expeditiously (NPDES permits, in particular).

Response:

EPA retains oversight responsibilities and can revoke authority for State programs.



10. Comment:

The SEA Update should be available for county review prior to deadlines for grant applications. This is critical in order for sub-state agencies to be able to examine all potential funding sources and priorities.

Response:

The FY 81 Update draft was available to the public in August, several months in advance of grant funding deadlines. This was a significant improvement over the timing of the basic agreement last year. We anticipate the FY 81 process will start earlier and produce a draft for public review by June, 1981. Grant applicants do not necessarily run along the same time lines as the State or Federal fiscal years (e.g., FY 80 208 grant period extended from July 1, 1980-December 31, 1981). The SEA Update covered the Federal fiscal years (1981-1986) which run from October to September, while the State's fiscal year runs July to June. We are reviewing the SEA process for additional areas of possible coordination with our respective budget cycles.

11. Comment:

Under Chapter 2.3.2.1, Antidegradation Policy, a number of comments were received on the relative positioning of the chart on page 2-42 in the draft narrative. Specifically it appears that the DEP would fund Middlesex County for work already completed. Why?

Response:

This chart section was mistakenly inserted in this chapter in the draft, and has been deleted in the final document.

12. Comment:

There needs to be a "lubricating" of the system that makes water quality data available to sub-state agencies. How is this problem to be addressed? How will the State determine what information is available to the public?

Response:

Water quality data has always been available from DEP's Data Acquisition and Analysis Unit, which can be reached by calling (609) 292-0450, or by writing to that unit in the Division of Water Resources, P.O. Box CN-029, Trenton, NJ 08625. All ambient data is on the STORET (Storage and Retrieval) computer system, and lakes data is in paper files at 1474 Prospect St., Trenton. USGS publishes annually a report on Water Resource Streamflow and Quality Data for New Jersey which can be obtained by writing directly to them at U.S. Department of Interior, 402 E. State St., P.O. Box 1238, Trenton, 08607 or calling (609) 989-2162. Other State agency files are also available by contacting each agency directly. The usual practice is to arrange dates and times that are mutually convenient. The only restrictions on public file access relates to enforcement cases when the case has been referred to the Attorney General's Office for prosecution, or where the information has been ruled to be proprietary information of a confidential nature. Documents may usually be copied for a nominal fee.

13. Comment:

A broader open discussion of the SEA should take place earlier this year, not at the point when the EPA and DEP are pushing to meet deadlines.

Response:

It is the DWR's intention to expand its public involvement efforts to result in a comprehensive Statewide program. This type of program will allow for a "routine" involvement of the public in all DWR activities including program plan development.

14. Comment:

The SEA should specifically identify the participation of County Planning Boards through the established State-Regional-County-Municipal growth protection cross acceptance process in the consideration of water resources aspects of growth management activities.

Response:

DEP plans to continue the policy begun in FY 79 of a cross acceptance process of growth management activities (see response to Comment 35 below).

15. Comment:

The FY 81 Update still shows DVRPC as the selected lead agency for determining regulatory programs for new stormwater systems. The FY 80 208 grant does not provide funding. How will existing problems be regulated? What arrangements have been made? Have any health departments been contacted?

Response:

The SEA has been changed to reflect the present support role of DVRPC. The enforcement mechanism for stormwater control has not been completely developed. Most of this program will be developed in FY 81 (refer to FY 81 descriptions, Section IV, B above).

16. Comment:

There should be some mechanism for funding local and statewide watershed associations with limited funds, volunteer memberships and few if any paid employees who can devote full time to environmental issues.

Response:

Associations such as these are independent interest groups. Both DEP and EPA recognize their value, and will explore funding possibilities in the forthcoming year. Although we do not want to jeopardize their independence through any potential conflict of interest, we see a definite role in some public participation aspects for certain programs. Funds will be provided, for example, for an important role in the training of 201 CACs as soon as training materials become available (see response to Comment 7).

17. Comment:

Has Construction Grants' program efforts for attracting and retaining qualified personnel in fact been completed? Under whose authorship is that program to be published in September, and will all members of the Region II Advisory Group receive a copy? Likewise, will the same members receive a copy of the Performance Evaluation of the DEP scheduled for completion by EPA by Sept., 1980?

Response:

The program for training and maintaining quality staff is presently under way. Certain improvements, including upgrading the trainee, assistant, senior and principle engineering salaries and the establishment of 16 project engineer positions within the Construction Grants Administration have been completed. The program will be fully described in the report on the EPA annual review of the N.J. Construction Grants program. This report should be forwarded to all members of the Region II advisory group.

18. Comment:

We fear that there will continue to be a fracturing of environmental goals to accommodate the funding programs of Construction Grants. Funding deadlines seem to take precedence over careful environmental review required by Construction Grants Regulations of September 27, 1978. We fear that the dollars allocated to Construction Grants will be spent regardless of environmental impacts.

Response:

Environmental goals are fully considered in the review of all Construction Grants projects. Funding deadlines have not taken precedence over careful environmental reviews of the projects and will not do so in the future. Starting in fiscal year 1981, DEP fully expects to obligate all available monies. This will avoid the September grants "crunch" to utilize the grants funds prior to the funding deadline. In the past, there has been more money than projects which were ready to proceed, thereby resulting in the funding of projects that were relatively low on the priority list. This year, the process has been reversed so that only the highest priority projects can be funded which will result in maximum pollution control benefits.

19. Comment:

Utilizing the 201 agencies to perform environmental reviews as part of their grant applications does not seem appropriate. 201 agencies have a vested interest in the development of these reviews. The 208 plans are a better criteria to be used. Please explain.

Response:

We disagree that 201 agencies should not perform environmental reviews in developing their grant applications. Environmental analysis must be performed throughout the facility planning process to insure that all feasible alternatives receive a full environmental review. This can best be done by the agency preparing the overall plan. The 201 agency has the option to retain separate consultants to prepare the environmental analysis, but the 201 agency has full responsibility for insuring that all environmental requirements mandated by State and Federal law are fully addressed and considered in the planning process. Environmental review criteria will be established jointly by DEP and EPA as part of the delegation agreement, as will criteria for review of environmentally

sensitive area delineations (also developed by 201 agencies). The review of the 201 plans will continue to be subject to public participation at all levels. In those situations where major adverse environmental effects are anticipated, EPA will prepare an environmental impact statement.

20. Comment:

Under environmentally sensitive areas, responsibility for collection and utilization of pertinent information has been transferred to the 201 facilities planning agencies to the complete exclusion of any certified areawide 208 agency involvement.

Response:

The Proposed Policy and Procedures presently being developed will include provisions for county level verification using existing data. The maps prepared by DVRPC, for example, would be used for this purpose.

21. Comment:

Has the State in fact established the staffing for the Combined Sewer Overflow (CSO) section? Who is the contact person? Do the prioritized CSO projects fit into the current lists of priority construction grants for FY 81? If so, how?

Response:

The Combined Sewer Overflow (CSO) section is not staffed at present. The contact person is George McCann, Construction Grants Administration, 292-0950. CSO projects are presently included in the N.J. priority system as a separate discharge category. At present, this category receives 100 points, which is relatively low in comparison with other discharge categories. Upon completion of the CSO studies and determination of the Water Quality benefits associated with CSO control projects, the CSO priority ranking will be reevaluated.

22. Comment:

The identification and evaluation of combined sewer overflow problems has long been a part of the 201 planning process. Such information, including a detailed strategy for mitigating these problems, must be documented and submitted to the Division by each local "201" grantee as part of each facilities plan for a proposed service area.

Rather than creating an administration to seek out additional problems, the funds earmarked for CSO should be passed on to agencies responsible for local treatment works to respond to the serious problems already known to the Division to implement solutions which have largely already been developed.

Response:

The majority of CSO projects within the State have not developed implementable solutions to correct the CSO problems. The optimal CSO solution is dependent upon the water quality benefits derived from the solution. The benefits cannot be determined until a water quality study has been conducted.

Experience has shown that significant cost saving can be obtained through a comparison of alternative solutions with their associated water quality

benefits. The proposed CSO program would include a thorough analysis of the costs and benefits for the CSO projects, a reevaluation of water quality standards and selection of the appropriate project. The program has potential to save millions of dollars in construction costs, at a time when the construction grant monies are severely limited to the State of New Jersey.

23. Comment:

Under growth area management, DEP cites its plans to formally adopt 201 facilities plans making revisions to 208 plans where necessary, without any cited involvement by certified areawide 208 agencies.

Response:

Certified 208 plans, including those developed by the areawide agencies, are always used to develop wastewater flow projections and wasteload allocations prior to facilities plan certification. Any major revisions to previously certified WQM plans will require areawide agency and public involvement.

24. Comment:

There appears to be a number of instances where "208" funding is recommended for waste discharge permitting procedures, especially in river modelling and wasteload allocation and NJPDES implementation. In view of the limited resources under "208", these areas are more appropriately funded with 201 or 106 funds.

Response:

Available section 205(g) funding will be utilized (see work plan), and the State Groundwater Grant is considered by EPA as a prototype grant to develop a program that will be applicable to all states. The use of 205(g) funds to develop groundwater permits is an effective approach to prevent groundwater pollution at its source. Additionally, it is expected that 201 funds will be utilized for river modelling and ensuing wasteload allocation calculations when it can be shown that such is essential to determination of need and extend of advanced treatment facilities. However, use of 201 funds for the purpose of permitting procedures and regulations to control groundwater discharges is not allowable, and 106 funds will not stretch that far.

25. Comment:

With so much of NJ's land falling within the category of "Environmentally Sensitive Areas", why only 2.5 man-years to establish the State's interpretation of "constraints"? The importance of protecting these areas received a high priority in the Northeast 208, and should receive a higher standing in the SEA Update.

Response:

The allocation of 2.5 man-years to the delineation of Environmentally Sensitive Areas (ESA-p.4) has been deleted. This project represents a major commitment by the Division and will be staffed accordingly. The project was begun in FY 79 and will continue under FY 81 in the Extrapolation and Transfer project.

26. Comment:

We would like to be assured that the DEP policy on wetlands and flood plains will conform to the EPA policy. We now see important differences in policy implementation--particularly in the Bureau of Flood Plain Management and the Construction Grants Section.

Response:

The DEP is presently developing a policy for all categories of environmentally sensitive areas (see also response to Comment 20). The protection policy will be dependent upon the environmental values associated with each category. We expect that EPA will find the DEP policy to be fully consistent with their grant regulations and program policies.

27. Comment:

Which is the lead agency in water quality management planning activities: DEP or EPA?

Response:

DEP is the lead agency, with EPA priority criteria governing the actual funding by them through DEP (see also Comments 2 and 28 responses).

28. Comment:

Regarding the 208 agency continuing role, there is typically no provision for passing through funds to local or areawide agencies to conduct studies or take actions for water quality management that DEP finds are best carried out by local agencies (including certain toxic pollution control measures). We are all working together cooperatively for the same purpose. To this end, please consider the "Designated 208 Agency" not to be an independent and competitive entity, but rather as an "outreach" of the Division (DWR) and its program at the local level.

Response:

The Draft FY 81 Update did not include FY 81 208 project funding as it was not available (see IV, B above for details). As soon as FY 81 information was received from EPA, a meeting of the 208 agencies was called for October 16, 1980. At that meeting, project and funding details were distributed, and both DEP and EPA reviewed the development process, time frame for decisions and priority criteria utilized. On October 17, 1980, five of those agencies met again with DEP to review the funded projects. Each agency was given the opportunity to indicate the activities they could realistically handle. DEP stated that the funding, if approved, would be commensurate with the level of effort, and that it would be a 60/40 split (60% DEP, 40% local match). Three general conditions were stated:

- A. That the designated agencies had to demonstrate good faith by moving towards making themselves self-sustaining by the end of FY 81 (or showing significant indications of progress);
- B. That any funding would be on a contract basis (not a grant);
- C. That the funding should be spread as far as possible.



The agencies were told to develop a narrative specifying progress already made to achieve long term self-sustaining local funding. The narrative also had to include a specific schedule with milestones to obtain this goal, specify the strategy to be utilized, and show a detailed work plan. Further meetings will be held with DEP and EPA to work out the individual project arrangements.

29. Comment:

A stormwater project that the Sussex County Soil Conservation District has been commissioned to do for Sussex County 208-FY 80 has not been included.

Response:

This project is consistent with the issues identified in the FY 80 SEA and the Non-Point Sources Strategies in the FY 81 SEA. The SCD's and counties are appropriately referenced in the SEA Strategies' chart for Non-Point Sources.

30. Comment:

DEP and EPA should incorporate a strategy for development of a new institutional framework to provide for greater integration and coordination of federal, State and local water resources management powers to reach water quality, water supply, flood control and storm drainage control objectives established by 208 plans.

Response:

This will be undertaken in FY 81 in the Extrapolation and Transfer project and the Statewide Stormwater Management project (refer to FY 81 descriptions, section IV, B above).

31. Comment:

DEP and EPA should incorporate the reflection of a key Lower Raritan/Middlesex County Water Resource Association and Freeholder role in developing and implementing an institutional integration required to establish a basis for a new institutional framework. This study should be initiated in the FY 81 period.

Response:

Two FY 81 208 projects (Extrapolation and Transfer, Statewide Stormwater Management) will address the framework issue (see Section IV, B above). All 208 agencies will be consulted during these projects. There are no plans to designate any agency for a key role at this time.

32. Comment:

The "Clean Lakes Program" should be staffed up. .15 man-years for five years to establish a fact sheet for each lake and upgrade as necessary for all the lakes in New Jersey is impossible. One person to respond to survey private lakes in all of New Jersey is further inadequate. .3 to develop a program to aid in the restoration of the State's "significant publicly owned freshwater lakes" also is inadequate. The aforementioned are only examples; the activities are good, but the appropriation of man-years is not at all realistic if a good job is going to be done on New Jersey lakes.

Response:

The 0.5 man-years is marginally adequate since the inventory is now established and requires only annual revision and updating of the data base. The 1 man-year devoted to private lake surveys and complaint investigation is adequate since the thrust of our resources is toward publicly-owned lakes (most private lake complaints should be handled locally). The 0.3 man-years is sufficient to complete the remaining two intensive lake surveys (we made major man-year expenditures prior to FY 81). The serious lack of manpower is in providing adequate monitoring activities for the various Phase I and II grants already received and for those expected shortly. We are addressing this, and expect to allocate 2.0 man-years to it.

33. Comment:

If the State is serious about protecting ground water, on which more than 50% of its population depend, and for which there is no other easily available source, a greater emphasis should be placed on the enforcement part of the "Strategies for Ground Water Management". Frankly, the entire ground water program seems underfunded and understaffed if we are realistically going to deal with the lack of data and State policies existent at this point in time. If the SEA is going to be effective, it must place a greater emphasis on the management of ground water in New Jersey, as the development of NEW supply surface sources will continue to meet with opposition for many diversified and sound reasons--environmental and economic.

Response:

NJDEP is aware that greater emphasis (i.e., funding and staff) on management of groundwater is required. NPDES permitting fees may be available to provide a financial base for an expanded groundwater program.

34. Comment:

We totally object to the abandonment of programs for protection of inland wetlands. The statement on page 2-277 under 2.10.3 regarding the continuation of the program through FY 81 "as needed to meet the requirements of the current work plan" and then "shifting" to the coastal area protection, abandons some of the most valuable water resource lands in the State. Why can't both be attended to? Where is the report on the inland wetlands? Why with Region II EPA now placing a priority (so-called) on inland wetlands is the SEA considering such a move?

Response:

The development of the policy for the protection of Environmentally Sensitive Areas (ESA's) provides for the delineation and protection of inland and coastal wetlands. Other strategies, such as the use of the Section 404(e) Permits, are also being investigated.

35. Comment:

Regarding "Growth Management", the DEP must obtain cross acceptance of its policies and enforcement responsibilities from the Depts. of Community Affairs (DCA), Transportation and Agriculture. In particular, the Revised Development Guide Plan issued by DCA contradicts many programs which DEP is mandated to implement.

Response:

DEP has consistently consulted with other State agencies both during, and after, the development of any policies of a Statewide nature, and will continue to do so.

36. Comment:

Regarding advanced waste treatment, how can someone receive copies of PRM 79-7, PRM 79-11 which address wasteload allocations, water quality analysis and advanced waste treatment. Under Develop Wasteload Allocation Methodology, Page 2-33, there is an item: NOD Removals. What is this?

Response:

(The documents have been mailed to the commentor.) These documents requested are published by EPA and can be obtained by writing to the Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278. NOD stands for nitrogenous oxygen demand, which is the amount of oxygen needed to oxidize nitrogenous compounds in their various forms into nitrates or nitrites.

37. Comment:

The primary policy and program thrust of DEP and EPA seems to be toward more regulation, without an equal policy and program commitment to monitoring, surveillance, enforcement and clean-up to achieve the goal of "fishable and swimmable waters by 1983". We will not be able to prevent the future degradation of our water resources through promulgation of regulation without an effective oversight function.

Response:

To take over the various EPA programs, DEP must have regulations in place (i.e. safe drinking water, construction grants, NJPDES). DEP is currently proposing NJPDES regulations (required by the NJ Water Pollution Control Act). The State has no power to enforce federal regulations and the enforcement powers authorized by State law must be clearly detailed by regulations.

38. Comment:

What is being done to make sure that DWR staff is sufficient to administer the NPDES program?

Response:

In January, 1980, staffing totalled 35 (including clerical). The detailed work plan stated that the program would require a staff of 102 by January, 1981. As of October 27, 1980, staffing totalled 100.

39. Comment:

The section on Permit/Regulatory Program for Septic Systems now recommends the establishment of districts. Where is the money to support this activity in all counties? In addition, it is our understanding that legislation has been developed which authorizes the municipal treatment facilities (201) agencies to regulate on-site systems. What preparations are to be made to resolve the apparent redundancy of roles?

Response:

See response to Comment 40. There is no redundancy; but public 201 agencies, who have a vested interest in sewage treatment plants, could take advantage of funding for establishment and construction of treatment works serving one or more principal residences or small commercial establishments.

40. Comment:

Regarding groundwater enforcement actions, the draft identified actions against municipalities who fail to enforce on-site subsurface sewage disposal regulations. There is a basic contradiction in taking action against municipalities without a clear strategy for development of resources at the local level to deal with the problem of septic system management. The narrative of the Update supports the creation of On-Site Waste Management Districts; however the actual inference of the activities identified is that local agencies have not done an adequate job and the recourse is State level control. We recommend that the agreement express the intent to investigate a locally based program that can work. The pending East Brunswick Twp. "201" application for this purpose is a useful model study which should be recognized in the agreement.

Response:

Authority has always been in local hands under Chapter 199 with some exceptions (see response to Comment 47). Some areas have continually failed to enforce the code for various reasons. Resultant groundwater pollution jeopardizes the health of N.J. citizens, and the State must take action as groundwater recognizes no political boundary. Construction Grants regulations, on the other hand, allow public organizations to utilize 201 funds to establish local programs (e.g., the East Brunswick application above) for septic system management.

41. Comment:

Since DEP lacks the laboratory equipment, the funds and adequate staffing, how can it be assigned the responsibility of using best engineering and judgment to conduct a comprehensive certification program on toxic substances or industrial categories when EPA guidelines have yet to be promulgated? Should this not be a responsibility of the EPA?

Response:

The NJ takeover of the NPDES system is contingent upon adequate staffing at DEP (see response to Comment 38). This takeover will require DEP to utilize the federal guidelines for discharge permitting unless the State establishes effluent limitations (guidelines or standards) on its own or water quality based effluent standards to meet water quality standards. These limitations may be based on

best engineering and judgment using knowledge of the particular discharger, the receiving waters and current technology. EPA will continue to develop guidelines and standards for NSPS (New Source Performance Standards) and toxic substances. EPA's laboratory support will continue to be of valuable assistance. EPA supports, and is working with DEP to facilitate the delegation of NPDES responsibilities to New Jersey.

42. Comment:

Under Permit/Regulatory Programs for Groundwater Discharge, we find that this section is written in more direct language than the original version (1979). It calls for a permit program (i.e., effluent discharge standards) under NPDES for these discharges. Is the state-of-the-art technology there to adequately provide information to properly administer a program and make it stick in the courts? Can a discharge limit be appropriately defined and measured for a pollution source such as a landfill?

Response:

DEP has used two existing groundwater grants to develop strategies and, in addition, will be giving money to a State university to develop a dilution model that will extend our control to cover groundwater discharges from landfills.

43. Comment:

Regarding a Stormwater Regulatory Program, in the FY 80 version EPA was to develop a strategy for NPDES requirements for storm drainage. This has apparently been eliminated. What is the reason? (Tri-County 208 recommended NPDES not be used because of impracticality and expense.) How will existing problems be regulated?

Response:

The FY 81 Update has been revised (NJPDES Permit System) to allow for the issuance of general permits to deal with areas which have been identified by DEP as water quality problem areas. General permits will be issued for stormwater discharges as required by State and Federal regulations.

44. Comment:

In Chapter 2.4.1 (NPDES Assumption/Industrial Discharges), what efforts will be made to standardize sampling? How frequently will they be conducted? What is the mechanism triggering enforcement by DEP and EPA? Have guidelines for spray irrigation been promulgated? If not yet, when? How do industrial research facilities fit under NPDES and NPDES Pretreatment Program? Are they considered in the same category with regular industry?

Response:

Under interagency agreement between EPA and DEP, compliance monitoring of facilities permitted under the NPDES system is to be conducted jointly by the two agencies. In FY 80, the NJ Division of Water Resources was to conduct thrity 24 hr. compliance monitoring investigations of municipal and industrial dischargers. In FY 81, a target number of 40 compliance monitoring investigations would be carried out by DEP under the interagency agreement. This would

include 20 municipal and 20 industrial dischargers. EPA will conduct 50 24 hr. composite sampling investigations overall as part of the joint compliance monitoring program. Formerly, the DEP component of the program resided with the Enforcement Element. However, the Bureau of Monitoring and Data Management of the Monitoring and Planning Element is to assume the responsibility within the next few months. The two agencies (DEP and EPA) would not ordinarily conduct compliance monitoring at the same facility within a given year unless there were agreement to do so.

Facilities are chosen by DEP for compliance monitoring on the basis of several criteria such as the potential for adverse impacts due to violations or timing in relation to permit renewal. Priority setting criteria are yet to be formalized but will be addressed in the near term. In addition, formulation of criteria to be applied in (a) evaluating conformance with permit conditions and (b) initiating referral of a case to enforcement; and the ensuing procedural actions are to be formalized between DEP and EPA in the forthcoming year.

A Manual for Laboratory Certification Criteria and Procedures has been prepared by DEP establishing and standardizing analytical testing of samples collected under compliance monitoring. This is currently being reviewed by the EPA Quality Assurance Branch. All laboratories analyzing samples collected for compliance monitoring will be required to meet these guidelines. Furthermore, a laboratory certification program will be effective as of July 1st, 1981. A Field Procedures Manual for Water-Data Acquisition has also been drafted and released for review.

Guidelines for Spray Irrigation are currently in Draft form. These will be available when NJPDES regulations are adopted in early 1981. Industrial research facilities are regulated under the NPDES and NPDES Pretreatment Program as are regular industries by the Division of Water Resources, Bureau of Industrial Waste Management and Bureau of Groundwater Management.

45. Comment:

Regarding enforcement actions, i.e., failing septic tanks, spills of hazardous or toxic substances into groundwater, and industrial or sewage dischargers, the allocation of 6 man-years for the entire State is totally inadequate. The PRC in particular supported a strong enforcement program for antidegradation policy.

Response:

Primary responsibility for enforcing the proper operation of septic tanks rests with municipal, county or regional health agencies. State involvement would only come as a result of inaction by those agencies. We do not anticipate a significant workload in this category. In the case of spills of hazardous or toxic substances, the Office of Hazardous Substances Control (now in the Division of Emergency and Hazard Management) specializes in these situations. DWR involvements, depending on the individual cases, may be a support role, a coordinative or participatory role or in a small number of cases a lead role, thereby reducing the time involvement for DWR in these types of cases. Discharges of sewage and industrial waste will require a significant monitoring and enforcement effort to prevent degradation of the State's waters. However,



the permitting program for these discharges remains in its infancy. It is expected that the program will grow and as it grows the need to dedicate additional enforcement time will grow with it. At the present time this represents a small percentage of our need to deal with discharges. As in any good enforcement program, we can estimate the man years necessary for certain categories but the priorities as real cases become known and are developed will determine the actual expenditure of man years in each category of enforcement.

46. Comment:

For the first time a regulatory program for agricultural runoff is being recommended where voluntary programs are deemed unsuccessful. How will these determinations be made? Is there new data which has been gathered over the last year which allows DEP to make these determinations?

Response:

Determinations will be made using data received from all sources including intensive surveys in problem areas. We are currently in the process of collecting and analyzing new data although "Best Management Practices" (BMPs) exist, there is no water quality plan requiring their useage. County and local officials as well as the public will be contacted and informed of the problems and encouraged to voluntarily adopt the program. A regulatory approach will only be considered where all efforts to develop a voluntary program have failed.

47. Comment:

Regarding on-site disposal, DEP appears to be needlessly expanding its role in on-site wastewater disposal management by duplicating permit approval processes currently in place at the local level.

State agencies train and certify local health officers, inspectors, and agencies in accordance with increasingly demanding standards to effectively review and approve proposed water supply and on-site disposal systems and to identify and respond to problems associated with on-site disposal of wastewater. Local health officers are able to recognize truly "alternative" on-site disposal systems. Even where DEP retains review authority for alternative systems, municipalities reserve the option to disapprove the construction and operation of such systems. It is recommended that the Division emphasize continuing technical assistance and accelerating the development and approval of performance standards and criteria for on-site disposal systems rather than needlessly duplicating a permit process long established and already strictly regulated at the local level.

Response:

DEP has been reviewing on-site wastewater systems for 50 or more units and in the coastal critical areas since these laws were passed in 1972. The Legislature evidently felt that the local health departments were not giving these applications a sufficiently thorough review.

In 1978 the Department began individual reviews in the Pinelands Critical Area as required by the Legislature in order to protect the water resources of this sensitive area. Also in 1978 the Department decided to allow municipalities to approve alternate or innovative designs which did not conform with Chapter 199. However, it was felt that most municipalities did not have the expertise to review alternate designs and a joint review is therefore required. An exception is Hopewell Township (Mercer County) that has mandated (by Township Ordinance) approval for alternate designs. Where county or local health departments can meet the performance standards of the County Environmental Health Act, the Department may delegate some of its responsibilities for on-site disposal.

48. Comment:

Residuals Management--the strategy missing is cross-fertilization with other programs within DEP. We do not need any solid waste facility in the freshwater marshes of the Passaic River Basin--they serve as a source of potable water supply--surface and ground water. The Central Valley of the Passaic River has been designated as a "sole source" aquifer by EPA (Federal Register, May 8, 1980), and those developing plans within the solid waste management area should be aware of such designations.

Response:

Approvals for land application of sludge are determined after a thorough review process. Cross fertilization with other programs is intrinsic in this process, which includes an evaluation of information on sludge quality, operational considerations and site evaluation. The latter portion of the review, site evaluation, would likely preclude approval for application in marshy areas. In addition there is an operational prohibition in the Departmental Guidelines from application in areas prone to flooding or on saturated soils. Copies of the Guidelines are available upon request from DEP.

49. Comment:

It is extremely important that the State give adequate attention assessing the impact on nonpoint related toxic substance problems and to develop and implement effective controls to limit these problems. It is important for the State to include research organizations presently spraying unregistered pesticides on experimental plots in its study of statewide pesticide usage. My understanding is that there is no program to control this kind of research activity in New Jersey and that such a control is long over due. It is vitally important that the State fill in the gaps left under the Federal Insecticide, Fungicide, and Rodenticide Act in requiring more stringent lab testing of new chemical compounds that are destined for field experimentation. A system to corroborate lab data with regards to the persistence, toxicity, synergistic effects and transport in the soil structures is needed.

Response:

A control program for these types of research activities is currently being planned and is in the developmental stage.

50. Comment:

Regarding siting criteria for toxics disposal facilities, strategies described on page 2-261 use of the DRBC study output and specify the actual listing of sites as the product. (State officials at the public meeting indicated an independent relationship between the agreement and this study when questioned.) Has DEP thoroughly investigated the approach taken by DRBC and are they satisfied that it will result in the best possible alternatives? It is recommended that this section be changed to reflect the independent relationship voiced at the public meeting so that the results of the study can be properly assessed.

Response:

DWR received a federal grant (\$6.0 m) to develop a statewide facilities plan for the pretreatment program. This facilities plan will be comprehensive and include regulatory components as well as residuals management components. The DRBC siting criteria will be considered by this study and definitive cost effective solutions for management of toxics/hazardous residuals will be developed. A bill to establish a statewide operating authority to facilitate siting is expected to be enacted soon.

51. Comment:

Please clarify the dates listed for the Hazardous Waste Program. What is the "ongoing" public participation program?

Response:

Correct dates for Hazardous Waste Program activities are listed in the final copy for the FY 81 Update. The term "ongoing" in the Strategies/Activities chart refers to program activities which will continue with time (e.g., public participation) rather than one which will be considered complete at a specific time (e.g., issuance of a regulation). The specific activities for Hazardous Waste public participation are listed in the FY 81 Cooperative Agreement governing the RCRA Subtitle C program grant.

52. Comment:

The agreement lists county involvement in the locating and securing of abandoned disposal sites. How is this to be done, and when will the counties be involved?

Response:

During the past year all county solid waste coordinators were contacted and asked to identify abandoned sites. Over half of the coordinators named specific sites. In addition, the county coordinators have varying involvement in the remedial actions taken at abandoned sites. At a minimum they track the Department's progress in individual cleanup actions and offer specific assistance as appropriate.

53. Comment:

There is an indication that DEP will conduct a statewide industrial chemical survey to determine the magnitude and extent of toxic chemicals discharged into the environment. Has this not already been done by at least two other organizations or does this survey differ to some extent from previous surveys? It seems to me that industry has always been subjected to a barrage of surveys and may bridle at the prospect of yet another.

Response:

Industrial surveys for toxics are carefully planned and coordinated with other sources of information to keep inconvenience to industry at a minimum. The information is vitally necessary to the control of toxic chemicals in New Jersey.

54. Comment:

Regarding the "Strategies for Toxic Substances Control", we urge that a comprehensive report of achievements be presented to the public at the end of FY 81.

Response:

DEP will issue "Data Reports" by the end of 1980 to inform the public of any toxic substances in groundwater and surface waters of the State. These reports will be made available through the Office of Cancer and Toxic Substances Research, 190 W. State St., Trenton, N.J. 08625.

55. Comment:

Specific reference is made in the section on Water Supply Management and Conservation that some groundwater supplies will be considered for abandonment. There is a significant problem in the phasing of the tasks in that the "estimate of potential need to abandon certain supplies" is programmed for 1980 while "develop groundwater supply abandonment criteria" is scheduled for 1982. Criteria should be developed first and no action should be taken in either of these tasks without opportunities for input from designated "208" agencies and representatives of local governments and major groundwater uses in the State.

Response:

We find no problem with investigating need prior to developing criteria for abandonment as the situation may be such that it can be reversed through ameliorating measures.

56. Comment:

Under Section 2.5 Water Supply, we suggest the strategy be amended to develop an immediate program for EPA designated "sole source" aquifer, such as the Buried Valley Aquifer of the Central Passaic River Basin. The State should develop guidelines for the protection of this aquifer and request that County Planning Boards carry through on this effort.

Response:

Subchapter 2.5.4, Figure 2-14, Strategy 2.11 addresses DEP's intention to provide a program for EPA designated "sole source" aquifer recharge area protection program.

57. Comment:

Many elements in the SEA have extensive effects; if the DEP is successful in its activities, the information should be presented to the public. We would, for example, be extremely interested in the procedures being followed on the integration of water quality and water supply. Inasmuch as so much of the Passaic River Basin has been artificialized, the method used to determine "future water supply demands and their effects on water quality" would be most meaningful to us.

Response:

The key document is the Statewide Water Supply Master Plan. This document is being readied for printing, along with a summary document which will be available for review. Public meetings will be held in early 1981 to get public input and comment. Chapter 2.5.4 details (in Figure 2-14) specific activities with report outputs (e.g., surveys, projections, etc.) which will also be available.

58. Comment:

Under the component, Section 2.2.2 "Recommend long term conservation policies and programs" is timed for 1983! WHY DOES IT HAVE TO TAKE SO LONG! We need an interim conservation program NOW! During the deliberations on the Water Supply Master Plan, the PRC commented on the fact that "water conservation" seems to be the much neglected stepchild of the Division of Water Resources. We sincerely request that this timing will be updated, and that interim programs will be developed and implemented IMMEDIATELY.

Response:

The Statewide Water Supply Plan consultants have made several recommendations concerning long term water conservation which have been or are in the process of being carried out. Municipalities have begun programs to promote conservation, to install water saving devices and to conduct public education programs. Furthermore, the State will shortly sponsor the testing of various domestic water conservation devices in order to provide a more sound technical basis to carry out a full scale conservation program. For the near future the Plan consultants recommend conservation measures that include reducing water supply distribution system water losses, with State funding of repairs in certain circumstances; evaluating conservation water rates and establishing pricing policies; and implementing study programs for wastewater reuse.

Regarding short term drought response water conservation activities, the Water Supply Plan consultants recommendations include restrictions on water use; water rationing; and escalation of water rates in order to encourage demand reductions.

More specific definition of the State's conservation policies will be made in 1981 in the preparation of the State's response to the Statewide Water Supply Plan consultants' recommendations.

59. Comment:

All aspects of NEPA should be made to apply to the "Purveyor Deficits/ Fragmentation of Water Supply Network" component. The acquisition of sites and design and construction of facilities (pipelines and reservoirs) requires the input of the citizens of the region. Furthermore, all components of the Water Supply effort should be subject to the National Environmental Policy Act, since projects have been identified in the Master Plan which have far reaching environmental impact.

Response:

Only projects which receive federal funding are subject to NEPA; however the State has a requirement for environmental assessments on all projects which exceed \$1 million dollars, or have the potential for significant environmental impact.

60. Comment:

What is the policy on a nonpoint source control permitting process? The document should clarify this.

Response:

There is no official policy.