

- Alliance for a Living Ocean
- American Littoral Society
- Arthur Kill Coalition
- Asbury Park Fishing Club
- Bayberry Garden Club
- Bayshore Regional Watershed Council
- Bayshore Saltwater Flyrodders
- Belford Seafood Co-op
- Belmar Fishing Club
- Beneath The Sea
- Bergen Save the Watershed Action Network
- Berkeley Shores Homeowners Civic Association
- Cape May Environmental Commission
- Central Jersey Anglers
- Citizens Conservation Council of Ocean County
- Clean Air Campaign, NY
- Coalition Against Toxics
- Coalition for Peace & Justice / Unplug Salem Coast Alliance
- Coastal Jersey Parrot Head Club
- Communication Workers of America Local 1034
- Concerned Businesses of COA
- Concerned Citizens of Bensonhurst
- Concerned Citizens of COA
- Concerned Citizens of Montauk
- Concerned Students and Educators of COA
- Eastern Monmouth Chamber of Commerce
- Fisher's Island Conservancy
- Fisheries Defense Fund
- Fishermen's Conservation Association, NJ Chapter
- Fishermen's Conservation Association, NY Chapter
- Fishermen's Dock Cooperative Pt. Pleasant
- Friends of Island Beach State Park
- Friends of Liberty State Park, NJ
- Friends of the Boardwalk, NY
- Garden Club of Englewood
- Garden Club of Fair Haven
- Garden Club of Long Beach Island
- Garden Club of RFD Middletown
- Garden Club of Morristown
- Garden Club of Navesink
- Garden Club of New Jersey
- Garden Club of New Vernon
- Garden Club of Oceanport
- Garden Club of Princeton
- Garden Club of Rumson
- Garden Club of Short Hills
- Garden Club of Shrewsbury
- Garden Club of Spring Lake
- Garden Club of Washington Valley
- Great Egg Harbor Watershed Association
- Green Party of Monmouth County
- Green Party of New Jersey
- Highlands Business Partnership
- Holly Club of Sea Girt
- Hudson River Fishermen's Association
- Jersey Shore Captains Association
- Jersey Shore Parrot Head Club
- Jersey Shore Running Club
- Junior League of Monmouth County
- Keypoint Environmental Commission
- Kiwanis Club of Manasquan
- Kiwanis Club of Shadow Lake Village
- Leonardo Party & Pleasure Boat Association
- Leonardo Tax Payers Association
- Main Street Wildwood
- Mantoloking Environmental Commission
- Marine Trades Association of NJ
- Monmouth Conservation Foundation
- Monmouth County Association of Realtors
- Monmouth County Audubon Society
- Monmouth County Friends of Clearwater
- National Coalition for Marine Conservation
- Natural Resources Protective Association, NY
- NJ Beach Buggy Association
- NJ Commercial Fishermen's Association
- NJ Environmental Federation
- NJ Environmental Lobby
- NJ Main Ship Owners Group
- NJ Marine Education Association
- NJ PIRG Citizen Lobby
- Nottingham Hunting & Fishing Club, NJ
- NYC Sea Gypsies
- NY State Marine Education Association
- NY/NJ Baykeeper
- Ocean Wreck Divers, NJ
- PaddleOut.org
- Picatinny Saltwater Sportsmen Club
- Raritan Riverkeeper
- Religious on Water
- Riverside Drive Association
- Rotary Club of Long Branch
- Rotary District #7510—Interact
- Saltwater Anglers of Bergen County
- Sandy Hook Bay Anglers
- Save Barnegat Bay
- Save the Bay, NJ
- SEAS Monmouth
- Seaweeders Garden Club
- Shark Research Institute
- Shark River Cleanup Coalition
- Shark River Surf Anglers
- Shore Adventure Club
- Sierra Club, NJ Shore Chapter
- Sisters of Charity, Maris Stella
- Sons of Ireland of Monmouth County
- Soroptimist Club of Cape May County
- South Jersey Dive Club
- South Monmouth Board of Realtors
- Staten Island Friends of Clearwater
- Staten Island Tuna Club
- Strathmere Fishing & Environmental Club
- Surfers' Environmental Alliance
- Surfrider Foundation, Jersey Shore Chapter
- TACK I, MA
- Terra Nova Garden Club
- Three Harbors Garden Club
- Unitarian Universalist Congregation/Monm. Cnty.
- United Boatmen of NY/NJ
- Village Garden Club
- Volunteer Friends of Boaters, NJ
- WATERSPIRIT
- Women's Club of Brick Township
- Women's Club of Keyport
- Women's Club of Long Branch
- Women's Club of Merchantville
- Women's Club of Spring Lake
- Women Gardeners of Ridgewood
- Zen Society



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January 16, 2009

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New Jersey Department of Environmental Protection  
Division of Water Quality  
Bureau of Nonpoint Pollution Control  
PO Box 029  
Trenton, NJ 08625

VIA EMAIL and FAX

**RE: Draft Renewal Municipal Stormwater General Permits**

Dear Ms. Wood,

Clean Ocean Action (herein "COA") is a broad-based coalition of 125 conservation, environmental, fishing, boating, diving, student, surfing, women's, business, service, and community groups. Our goal is to improve the degraded water quality of the marine waters off the New Jersey/New York coast. We have reviewed the four proposed stormwater general permits and have the following concerns. As many of the changes apply to more than one of the permits, the applicable permit type is listed in parenthesis.

**(Tier A and Public Complex) The yard/vegetative waste collection timeframe should be extended, not removed from rules.** The proposed removal of the seven-day prohibition of yard/vegetative waste street placement is not justified. No time limitation on when the leaves are allowed on the street increases the risks of car accidents, clogging of storm drain systems, and nutrient loadings to waterways. If towns, citizens, and public complexes are having difficulty with the current rule, then the allowance time should be extended to a maximum of 14 days. Municipalities should continue to improve communication with residents, businesses, and public complexes of pick-up dates and potential delays. Municipalities should be required to encourage the placement of leaves on the street for the minimum of time necessary prior to pick-up and to encourage alternative solutions where practical. For example, the City of Englewood's website states: "For the past few years we have been encouraging Englewood residents to dispose of their leaves by composting, mulch mowing or by setting them out for collection in biodegradable paper bags. These are all environmentally favorable alternatives to piling leaves in the street." The state must also ensure that municipalities are meeting their proposed pick-up schedules and that they are occurring within reasonable time frames of leaf deposition.

**(Tier A, Highway, and Public Complexes) The Refuse Container Ordinance represents progress in reducing pollution, and its implementation should not be delayed.**

Implementation should happen within six (6) months, not 18 months as proposed. Refuse containers have been identified as sources of pollution to NJ waterways, and this problem must be resolved as soon as possible. The Refuse Container Ordinance should also be required by Tier B Municipalities permits.

**(Tier A, Highway, and Public Complexes) Private Catch Basin and Storm Drain Inlet Retrofitting Ordinances are appropriate.**

**(Tier A, Highway, and Public Complexes) For consistency and adequate pollution control, the minimum requirements for catch basin inspection and cleaning should be required for municipalities and highways.** For municipalities with more than 5,000 municipally owned and operated catch basins, a minimum requirement of at least 20 % of total catch basins be inspected and cleaned each year should be mandatory. For those Highway Agencies with more than 10,000 Highway Agency owned and operated catch basins, a minimum requirement of at least 20 % of total catch basins be inspected and cleaned each year should be mandatory. No justification has been provided as to why these larger municipalities and highway agencies should be exempted from minimum requirements and are given until Feb. 28, 2014 to clean all of their basins. Minimum annual requirements and this deadline to clean all basins must be retained.

**(Tier A, Highway, and Public Complexes) The rule changes and associated fact sheets do not explain why the Road Erosion Control Best Management Practice (BMP) was ineffective.** The public deserves more justification for this change and why it is only optional in this draft permit. No public information is available that provides an explanation to support this change. The state should not eliminate ineffective BMPs, rather the state should work with Municipalities to improve BMPs to make them more effective. We would like clarification and justification for the proposed change and to discuss the proposal.

**(Tier A, B, Highway, and Public Complexes) The equipment and Vehicle Washing BMP requirement is important to reduce wash wastewater pollution.**

**(Tier A, B, Highway, and Public Complexes) For new permits, it is not clear why new permittees are allowed a year to begin an employee training program.** New permittees should be required to have training with six months of the EDP.

**(Tier A)** At the end of page 20, the draft permit begins a sentence “If stormwater” that is not completed on either page 20 or 21.

**Fertilizer Management Ordinances must be adopted in these general stormwater permits to reduce nitrogen non-point source pollution for municipalities in coastal watersheds.** We recommend a statewide adoption of the fertilizer ordinance proposed by Save Barnegat Bay.

Excessive nitrogen loadings have resulted in several negative symptoms of eutrophication in NJ estuaries and the coast.<sup>1</sup>

**Why doesn't New Jersey require stormwater permittees to assess the impacts of stormwater discharges on Federally listed endangered and listed species and designated critical habitats, including essential fish habitat? These permits must show that they comply with federal regulations, such as the Endangered Species Act (ESA). In addition to impact assessments, ESA obligations also include assurance that stormwater discharges do not result in any prohibited "takes" of listed species.**

**The evaluation process of BMPs should be more transparent and available to the public to allow for more effective and substantial public review and comment.** The iterative process recommended by the EPA for stormwater permits includes: "evaluating the effectiveness of BMPs included as part of the program, then revising those parts of the program that are not effective at controlling pollutants, then implementing the revisions, and evaluating again. This process continues until the goal of meeting water quality requirements is achieved. The changes contained in the draft general permit reflect the iterative process of MEP [maximum extent practical]."

Thank you for the opportunity to comment on the Draft Municipal Stormwater General Permits, and we encourage the NJDEP to make the suggested improvements before the permits are finalized. We look forward to your response.

Sincerely,



Cindy Zipf  
Executive Director



Jennifer Samson, Ph.D.  
Principal Scientist



Heather Saffert, Ph.D.  
Staff Scientist

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<sup>1</sup> Bricker, S., B. Longstaff, W. Dennison, A. Jones, K. Boicourt, C. Wicks, and J. Woerner. 2007. Effects of Nutrient Enrichment In the Nation's Estuaries: A Decade of Change. NOAA Coastal Ocean Program Decision Analysis Series No. 26. National Centers for Coastal Ocean Science, Silver Spring, MD. 328 pp. USA.  
[http://ccma.nos.noaa.gov/publications/eutroudate/mid\\_atlantic.pdf](http://ccma.nos.noaa.gov/publications/eutroudate/mid_atlantic.pdf)



