

Musconetcong River Management Council

Minutes of a general meeting, April 20, 2021

The meeting was convened at 7:00 via video conferencing under the direction of President Charlie Fineran. Attendance is per the attached sign in sheet Bill Leavens, William McQuaide, Charlie Fineran, Albert Krouse, Cindy Joerger, Beth Styler Barry, Erik Henriksen, Keri Green, Laura Tessieri, Dwight Pederson, Christa Reeves, Keith Fristchie, Bob Delpizzo, Blanca Chevrestt, Paul Tarlowe, Pam Bailey, Nancy Roberts Lawler, Katie Parrish, Alan Hunt, Paul Kenney, John Wetzel, Al Ivany, and Steve Rattner. Notice was given of this meeting as published in the Star Ledger and the Express Times in accordance with the NJ Open Public Meetings Act. There was a quorum. There were no guests.

The first order of business was the approval of the February minutes that were sent out with the meeting notification. These were approved as distributed on a motion by Nancy Roberts Lawler that was given second by Beth Styler Barry.

Under new business, there was an initial discussion of meeting procedures. We need to elect officers for the current year at the next meeting. The following individuals were nominated for the required positions. Bill Leavens nominated Charlie Fineran as Chair. There were multiple seconds. Charlie nominated Steve Rattner as Vice Chair and John Wetzel gave second. Bill Leavens nominated Bob Delpizzo as Treasurer and Charlie Fineran gave second. Bob Delpizzo nominated Bill Leavens as Secretary and Charlie Fineran gave second. Chairman Fineran appointed Alan Hunt as Sergeant at Arms. Nancy Roberts Lawler gave second to that appointment. Nancy Roberts moved to close and approve the nominations and Beth Styler Barry gave second. The slate was adopted for election at the next MRMC meeting.

Following this was a discussion of the Standing Committees that reflect the goals of the River Management Plan. These committees have been quite active. With the Film Festival, that work might be adopted by the Recreational and Scenic Resources Committee. Charlie noted that the virtual presentations at the Festival went very well and will likely be continued. Charlie Fineran is Chair. Paul Kenney, Keith Fritschie and Bill Leavens volunteered to be on that Committee.

The Historic and Archeological Resources has Charlie as Chair, Pam Bailey, Paul Tarlowe, and John Wetzel as members. The Land Use Committee has Al Ivany as Chair, Erik Henriksen and Mary Paist-Goldman as members. The Natural and Water Resources Committee is chaired by Laura Tessieri. Katie Parrish, Beth Styler Barry and Nancy Roberts Lawler are members. Laura indicated she would be willing to step aside as Chair. The Warren Heritage Scenic Byway Committee is attended by Mr. Fineran. That is a very active group that is independent of the MRMC. Cindy Joerger volunteered to be alternate.

The next topic was the TA Truckstop near Bloomsbury. They have a wastewater discharge permit coming up for approval. Different parameters are in place for

waste substances that are discharged. Paul Kenney reviewed the permit application and Alan Hunt submitted our comments. Our concern is that DEP appeared to be applying parameters for a category 2 standard - the Musconetcong is Category 1 – no measurable change above ambient levels. The Nitrogen level was fifteen times the ambient level. Dissolved Oxygen, temperature and pH also did not meet the Category 1 standards. We have measured background impairment levels upstream and downstream from the discharge site, however the Bloomsbury dam alters water quality by aeration by the 'waterfall' at the dam. There was no reference to the bacteria TMDL in the permit application. The river is impaired for fecal matter. There is a proposal to discharge new bacteria to the river and this violates five different federal and state rules. We have bacterial data and there was clearly some level of impairment from bacteria.

Lastly, there was no consultation with the National Park Service and there is a National Wild and Scenic Rivers Act has an anti-degradation standard to reduce and eliminate pollution. There were other impairments listed, too. Some of the water quality data on the effluent is supposed to be monitored daily, weekly, or monthly. However, it was clear that monitoring intervals were not being followed. For example, some standards are collected weekly but only had data collected monthly or once a week. and some are only collected monthly. We want DEP to hold a public hearing about the permit renewal.

Mr. Kenney reviewed and wrote a comment letter asking the state to review their conditions on this permit. The fact that we had so much baseline data gave us confidence to ask for that public hearing. The renewal will have to be negotiated between the applicant and the DEP. Mr. Fineran noted that every page of Alan's report pointed out a deficiency or a standard that was being ignored. Charlie was very uncomfortable with DEP's performance in their review of standards and violations. He urged that we take a very strong stance on the issue. It appears that DEP cannot or will not do their job. Alan's letter was clear in pointing out DEP's lack of performance.

Paul Kenney noted that he reviews NJPDES applications. He has testified in many instances and he has never seen conditions of an application this bad. John Wetzel noted that this was a renewal, not a first time application. Apparently the applicant assumed they could get by with the old standards. However, those standards have changed and new conditions can be applied. But, DEP has to decide to apply the new higher standards. Category 1 standards for the Musconetcong were adopted in 2008 so there has not been a prior permit application approved under Cat 1 standards. DEP missed that. It does not seem possible for the application to be 'grandfathered'.

Keri Green noted asked how Alan knew about this application. Note was made that Delaware River Basin Commission also commented. Alan noted that there is a DEP listserv that indicates pending applications. We should be coordinating with DRBC more. Christa Reeves currently interacts with that agency. DRBC appears to be pushing NJDEP on violations and making permits more stringent. There is a strong connection there.

Any public hearing would likely be via Zoom. It will take some months for DEP to put any hearing together. Mr. Fineran asked if DEP would deny a public hearing. If the National Park Service weighs in, there is a greater chance of a hearing being conducted. If DRBC comments, that is a serious matter. Alan will send his prior DEP comments to DRBC.

Mr. Fineran then discussed the Warren County Scenic Byway Committee. That group is continuing and their website is now active. It was missing photos of the river and Merrill Creek that have been added in. There is also an interactive map. There is now good coverage of river related sites. Fishing access points have also been featured. This is a promotional effort.

Next under discussion was the Warren County Transportation Plan. How does transportation planning relate to the Musconetcong? There is Federal funding for trails, bike lanes, interpretive wayside exhibits, visitor centers, and road improvements along the river through the North Jersey Transportation Planning Authority. Dave Dech has been monitoring this and has advised Alan about trail funding. Alan participate in a public feedback session and communicated interest in trail funding, bike lane development, initiatives that connect sidewalks and include traffic calming features, and better-linked car-less residents to nearby natural amenities, like between Hackettstown and Allamuchy & Stephens State Parks. How can we develop more equitable access to the river for people who don't own cars? That is done in the rest of the world, like with the MTA and Harriman State Park in New York. The counties need to ask for funding to do projects like that. Mr. Fineran noted that the Delaware Recreation Area has been employing a shuttle that accomplishes just that.

Under Old Business, there was a report on the Film Festival. 268 people were registered and about 200 logged in. We can say that 250 people tuned in, double the previous number. People liked the virtual presentation. There may be ways to stream it live so that it is more interactive. Charlie noted it was very well done. Bob Delpizzo noted that the towns could do more to budget funding to support the event. Cindy Joerger suggested that we request municipal funding early enough to secure that support. Bob Delpizzo with work with Karen on budgeting. Requests for municipal funding should be in to the towns by the start of the fourth quarter. There might be other civic organizations that could support the Festival. Volunteers to that Committee are welcome. Nancy Roberts Lawler and Cindy Joerger will join Karen Doerfer and Bob DelPizzo.

The next topic of discussion was the Tobias-Berlant warehouse project in Franklin Township. Paul Kenney provided an update. In the winter, the National Park Service appealed to US EPA region 2 to look at the site to determine if there was an intermittent stream on the property. EPA personnel examined the site without NJDEP or NPS. Paul requested that they file a report but their on-site evaluation was that there was no intermittent stream and their evaluation is now closed. EPA went as far as they would go and they will not overturn the NJDEP decision that the stream does not exist. Paul will discuss with his

manager. He does not yet know what else can be done under the Clean Water Act.

Alan asked about the state's responsibility for meeting Federal guidelines. DEP has been delegated the Federal responsibility. Paul will forward the EPA letter sent to him: there will be no report or second visit to the site. Paul noted that submitting a report should be standard practice. EPA is unwilling to overrule the state on the issue. Paul mentioned the EPA handbook on making that kind of determination. The EPA official stated that the stream was a "swale" in the cornfield. It is listed on Federal maps, and now it is being ignored. There was a question as to whether EPA searched the wrong property.

Paul noted that, in the past, he had seen, that Congressional inquiry can have EPA reexamine a decision. Mr. Kenney added that he was not advocating contacting Congress regarding the subject. There may be a mistake in the EPA interpretation. Mr. Fineran asked if the Council might consider making a request for that inquiry. The MRMC is implementing the River Management Plan and both the State of New Jersey and the EPA are acting against that plan. The stream is listed as an intermittent stream on the State Surface Water Quality Standard 319 list. It is also on a USGS quadrangle, the National Hydrological set and the USDA County soil survey. The team is mapped.

Pam Bailey asked if they visited the site at the wrong time of year. Paul noted they were there on March 17 and the corn was up. Other witnesses on that site visit would have been warranted. Bill McQuaide asked if we might take the issue up with Congressman Malinowski. What other actions can National Park Service take? Paul will investigate.

Alan asked if we should invite someone from DEP to attend Council meetings. Mr. Fineran stated that 'they should know where we are coming from.' It is time for us to get our documentation in order on issues like this. All the classifications for the river aren't doing anything for us. Beth Styler Barry noted we are doing our best to protect and respect the river. We expect the agencies charged with protecting the environment should do the same. Perhaps Lt. Governor Oliver should be advised.

Alan requested counsel from the group. We are the only people who know about EPA's failure to respond. There has been no publicity on this. We have a story. DEP does not appear to be following the regulations their own streams. Beth suggested that our Water Quality Committee should be looking at this. That was put in the form of a motion made by Bill Leavens that was given second by Mr. Fineran and immediately adopted. Mr. Leavens will talk with press contacts.

JZRJ in Washington Township, Warren, was the next subject of discussion. This was another stormwater discharge issue that Alan was able to comment on. A discharge pipe was moved and the proposed retention basin will include native plants. Catching the application early helped to remedy the situation. Trees in a hedgerow will be left alone. This was a win, albeit a small one. We were taken seriously by both the applicant and the municipal engineer, and were able to

work with them outside of the Land Use Board meeting, which saved the applicant time and money.

Next was the Saxton Falls Quarry. Bob Delpizzo has been concerned about the project. He doesn't know that more can be done. The Township has little control over the commercial site. No effluent is going into the river, however. The site is unlicensed, but they do have to obtain a permit from the town. It's a done deal. Bob was grateful for Alan's assistance.

The Holland Township Solar project along Cyphers Road was the next discussion topic. There is allowed disturbance along the river and a millrace that no longer carries water for construction of solar panels. There is a stream that crosses the property. Our comment letter suggested there be no encroachment on the stream and that the stream be daylighted. We also would like public access to the river at the site. It is labeled as a trout maintenance stream but that is not proven. Dwight Pederson has been contacted by the Solar Farm applicant who expressed his support for most of our concerns. They do not intend to daylight the stream. Fishing access to the Musconetcong is pending.

Lastly was a discussion of the Wild and Scenic Zoning Analysis. The work has been completed and put up on the MWA website. We will share that material with our municipalities as part of the Great Waters project

Under the Executive Directors Report, the recent Congressional outreach effort was successful. Alan met with four of five US Representatives and Cory Booker. We shared how Federal funding has been used by the MRMC. Mr. Malinowski will investigate why it has been taking so long to approve the Holland/Pohatcong Wild and Scenic segment C designation. Charlie Fineran, Steve Rattner, Katie Parrish, Paul Tarlowe, Dwight Pederson and a number of County representatives (Commissioner Kern and Commissioner Carney, Hunterdon County Economic Development Director Marc Saluk and Planning Director Carrie Fellows) attended these meetings. They were very pleased with their participation. There is confidence in the MRMC and MWA. Stuff is getting done and the Members of Congress recognize this.

Congressman Malinowski and a news crew visited the Warren Glen dam along with IPP representatives and NJDEP. We are looking for funding and the Congressman mentioned 'earmarks'. We have feasibility study funding and our request for funding may be real prospect for FY2023. The property owner is, once again, looking at other, non-industrial uses for the property and that works in favor of dam removal, and may want to engage with MRMC on this.

The calendar of events has been sent out. There are MWA events pending. The Run for the River is virtual, running May 1-15. Beth urged that the MRMC members participate. You can do nearly anything for four hours or four miles. It helps MWA generate sponsorship and that funds our educational programs. The entry fee is \$25.00. We now have participants from 13 states.

MWA has a number of grant proposals out. Christa submitted a grant application for Harmful Algal Blooms. We have a small grant from the Watershed Institute that will allow for monitoring impaired sites on the river. She will be training monitoring volunteers for the effort. That will be undertaken from June through the fall. She also requested another National Fish and Wildlife Federation mini-grant to assay water quality data below Bloomsbury. We now have a few Riverwatchers in that area, so this will provide good data. Nancy noted the American Whitewater Association also provides funding to provide information for kayakers. She noted that wrong data is posted on their site. Christa will follow up. DRBC has expressed interest in putting a gauge in at the confluence with the Delaware in Rieglesville.

Another grant has been submitted to NFWF for recreational and historic site funding to support the Water Trail map information. That will allow for development of future directional and explanatory signage. This will also involve trail work and a kayak launch. There is a follow-on application on a grant application being made to the NJ Historic Trust.

Lastly, we have a grant from William Penn Foundation to perform policy work in the karst areas., Called Great Waters. Much of that will involve discussion with the municipalities. We will be sharing information on zoning and working to propose changes to State policy. The first municipal meeting is being held with Holland Township's Environmental Commission on May 5th.

Paul Kenney reported that the Park Service has been taking up the segment C designation. A package of information is being developed for the Secretary of the Interior.

There were no Committee Reports. Cindy Joerger reported that Kyle Richter has taken an Executive Director report at Lake Hopatcong Foundation. She is doing her final interviews for the Water Quality position in the next weeks. MWA has hired a Development Director. Camp Musky is going forward with limited enrollment. We are over capacity in one camp and very near on the rest. The Native Plant sale is proceeding on May 8, both online and in person. MWA board members and friends went out on Opening Day for fishing to do education on the New Zealand Mudsnaill. This is effective outreach to the fishing population. We are also soliciting donation of 'slightly used' fishing equipment for gifting to the community. Ryan Jiorle is the new Outreach Coordinator at MWA and has been most effective in his work. Christa trained 17 new Riverwatcher personnel. We had 400 volunteers sign up for the River Cleanup last weekend. There are piles of trash but we don't have tonnage figures yet.

Keith Fritschie submitted a NFWF grant for an assessment of stream crossings and in-stream habitat restoration and temperature assessments at different sites. He is working with Christa and the Riverwatchers.

Christa Reeves mentioned she has been getting assistance and an audit on our river watching work. We are a 'shining example' of how our work should be done.

Mr. Fineran noted that our meetings are long but the issues are relevant. He thanked all the participants. for their time and attention.

Under the Public Portion, there was no public questions or input. –

On a motion by Bill Leavens that was given second by Mr. Fineran, the meeting was adjourned at 9:25 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John B. Leavens". The signature is written in a cursive style with a long horizontal flourish at the end.