



AMERICAN LITTORAL SOCIETY

18 HARTSHORNE DR, SUITE 1, HIGHLANDS, NJ 07732
Phone: 732-291-0055 · www.littoralsociety.org · Fax: 732-291-3551

August 2, 2010

The Board of Chosen Freeholders, Ocean County
P.O. Box 2191
Toms River, NJ 08754-2191

Dear Freeholder,

RE: Ocean County Water Quality Management Plan

We are writing to request your support in protecting and restoring Barnegat Bay.

As you may know, numerous scientific studies and agency reports have documented the decline of the Barnegat Bay estuary and Governor Christie has made this issue a priority for his administration.

Despite Ocean County's efforts over the years to protect the Bay by reducing point sources of pollution and preserving natural lands, development has been excessive in the watershed and non-point source pollution (Stormwater runoff), groundwater sources, air pollution and the Oyster Creek Nuclear Generating station continue to degrade this treasure.

Many of our residents and visitors are painfully aware of the degradation as it is evident through the loss of shellfish populations, increased algae blooms, dying seagrass and invasive species like stinging jellyfish. These are just a few of the noticeable changes that affect our human enjoyment of the estuary and ultimately our shore economy. Beach closings are now occurring due to the nuisance of stinging sea nettles.

This spring and summer the New Jersey Department of Environmental Protection solicited input from Bay "stakeholders" during 3 meetings to identify problems, causes, goals and actions needed to address Barnegat Bay concerns. The last meeting was held in late June and the information gathered will be summarized for Governor Christie and NJDEP Commissioner Martin to develop and implement an action plan. Together with other environmental organizations, we provided a policy document for consideration in this process: "An Agenda for Barnegat Bay". A copy is provided for your convenience.

The American Littoral Society continues to advocate for a holistic plan based on our "10 Steps to a Healthier Bay" that was first promoted to lawmakers during a joint Senate and

Assembly Environment Committee hearing in 2009. Our message was clear: the Bay is a complex ecosystem with multiple stressors and we must address the problems at all levels in order to improve the conditions in the Bay.

Thanks to the leadership of Senator Bob Smith and Assemblyman John McKeon we are pleased that another joint legislative hearing will be held this August 12th to further legislation that was developed as a result of the information presented last year.

The current bills address various problems stemming from both past land use practices and future development in the Barnegat Bay watershed. Soil compaction and health, Stormwater runoff from past *and* future development and fertilizer content and application are three main issues that must be addressed in order for us to bring the Bay back to health.

It is imperative that Ocean County support the legislative initiatives to be heard on August 12th:

S1410/A2501 Requires post-construction restoration of optimal soil conditions under the "Soil Erosion and Sediment Control Act."

S1411/A2290 Establishes standards for certain fertilizer applications, provides for certification of professional fertilizer applicators, and regulates sale and labeling of certain fertilizers.

S1815/A2577 "Ocean County Stormwater Management System Demonstration Act."

S1856/A2606 Authorizes measures by Ocean County Planning Board for control of stormwater runoff and nonpoint source pollution.

In addition to these state legislative initiatives, we are pleased that Congressman Adler introduced a bill "To require the Administrator of the Environmental Protection Agency to make grants for the improvement of stormwater retention basins in the watersheds of estuaries in the National Estuary Program". This bill would make available \$20 million for Stormwater basin retrofits to more effectively reduce the amount of pollutants entering our waterways. Ocean County has pioneered the retrofitting of stormwater basins to reduce their pollution to the Bay; because of the county's ongoing involvement in this issue, you know that there are still over 2500 historic basins which must be addressed.

We also continue to support the New Jersey Department of Environmental Protection which has issued a draft Clean Water Act permit that requires the construction of a closed-cycle cooling system at the Oyster Creek Nuclear Power Plant in Lacey Township. This requirement will reduce the water intake by at least 70% and stop the massive number of fish kills.

We applaud these leaders for making new Barnegat Bay initiatives a priority for them, however, some of the easiest and most logical ways to begin reducing degradation to Barnegat Bay is through existing programs. Ocean County must make protecting and restoring the Bay a priority issue as well, and this needed leadership must come from the Freeholders. In addition to publicly endorsing and supporting the proposed state legislation, there are actions that are solely within the authority and responsibility of the county which are critical to restoring and protecting the Bay.

First and foremost, Ocean County is well under way in the process of implementing the readopted Water Quality Management Rules with Amendments (N.J.A.C. 7:15) effective July 7, 2008

It is the responsibility of the Freeholders to make certain that the Ocean County Water Quality Management Plan prioritizes addressing impacts (current and future) on the Bay as its guiding principle;

A specific goal and strategy that **must** be incorporated into the WQMP is to minimize additional urbanization of the Bay's watershed, the loss of natural land cover, the infiltration capacity of the watershed and restoring and maintaining ecological stream flows in tributaries to the Bay.

The elements of the Ocean County Water Quality Management Plan must be evaluated against this strategy, including:

- Limiting expansion of future Sewer Service Areas and reevaluating historic/existing SSAs for opportunities to reduce the intensity of urbanization in the watershed;
- Establishing discharge to groundwater standards that support only very low densities of future development;
- Rezoning currently undeveloped portions of the watershed for low densities and establishing TDR programs to reallocate appropriate residual growth potential to growth centers; we note that Berkley Township is a leader in developing such programs;
- Identify infrastructure needs within growth centers and prioritize those needs in the WQMP

Further, Ocean County should:

- support the implementation of Low Impact Development approaches to appropriate future development through municipal and county ordinances and programs;
- Modify county and municipal stormwater programs to insure effective focus on infiltration and LID;

- Insure that required build-out projections are measured against Bay specific standards for nonpoint source pollution (e.g. nutrients) and maintenance of Bay-related base and stream flows;
- Insure the establishment of riparian corridor protection programs and ordinances, including elements which promote the restoration of currently disturbed riparian buffers;
- Identify current sources of pollution input and insure policies and requirements in place to remediate them:
 - Concentrations of failed septic systems and leaking sewer infrastructure;
 - Historic direct discharges and stormbasins
 - Illegal cross connections to existing stormwater discharges

We look forward to your support on these critical issues and are anxious to meet with you at your earliest convenience to discuss these initiatives in further detail.

Thank you for your time and consideration.

Respectfully,

Helen Henderson
Policy Advocate

C: NJDEP Commissioner Bob Martin
Senator Bob Smith
Assemblyman John F. McKeon
9th District Legislative Office
10th District Legislative Office
30th District Legislative Office
Ocean County Administrator Carl Block

Open Letter