

MOORESTOWN

From: Thomas Belton
To: Murphy, Eileen
Date: 1/20/05 11:48AM
Subject: Re: Issue for Commissioner



Eileen,

I know this Hot Issue item went up to Commissioner recently but has there been any action on followup?

I'm having a 'de ja vu' moment!

I just met with DWQ about another STP (Moorestown - being represented by OMNI) that is asking to do a Phosphorus Evaluation study as part of a NJPDES Permit decision. In addition a TMDL is being done under contract by DEP on same water way (by OMNI) for completion by 10/06.

So the same questions arise:

Which takes precedence (Permit or TMDL) deadline?

AND

Is there a conflict of interest situation (i.e., who does OMNI represent if we go to court over any part of these out- of-sequence deliberations)?

Please advise.

Tom

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>>> Eileen Murphy 10/22/04 12:29PM >>>

I met with staff and managers from Watershed, Water Monitoring & Standards, and Water Quality yesterday about a conflict between the phosphorus exit ramp tool and TMDL development.

As you know, two years ago, the Commissioner agreed to allow dischargers to apply for exit ramps on the phosphorus permit level because TMDLs were not completed and were not planned on being completed in the near future. Two things have happened since that time:

- TMDLs have progressed
- we've had two inordinately wet years (which means low-flow samples could not be collected, as specified in the exit ramp methodology).

So, the question arises - should dischargers continue attempting to sample under the exit ramp model in areas where TMDLs are likely to be completed? In some cases, the TMDLs would be completed BEFORE the exit ramp. Since TMDLs trump the exit ramp, this could be a significant problem for dischargers (and the Department).

After much discussion, the group reached an unanimous agreement. In certain streams, it seems that the TMDL process is far enough along to negate the necessity of having the exit ramp process. The group agreed that exit ramps should be disallowed in areas where TMDLs are imminent.

Larry Baier, Jeff Reading and I are having staff prepare documentation and background material for the Commissioner and would like to present this argument for his consideration.

We could brief you two first. Can I schedule?