



NEW JERSEY HIGHLANDS COALITION

ACTION ALERT

Pequannock River – Your Help is Needed!

RE: Renewal of Water Allocation Diversion Permit No. 5123

Summary: In an effort to restore ecological flows for the Pequannock River, a C1 waterway in the New Jersey Highlands, former state DEP commission Brad Campbell in 2004 revised the City of Newark's permit governing the use of water from the Pequannock River to include a sustained low flow of 12.3 cfs year-round. The City of Newark appealed the revised permit and has been operating under a permit issued in 1991 which does not require the maintenance of low-flows in the river below the Macopin Outlet. Lack of action to renew the City of Newark's Water Allocation Permit has significantly impacted the aquatic health and ecological integrity of the Pequannock River.

Timeline:

- In 1986 the City of Newark was required to provide a 12.3 cubic-foot-per-second (cfs) discharge below the Macopin Reservoir to maintain flows in the Pequannock River year-round.
- The required discharge was removed in a 1991 permit issued.
- In 2002 and 2004, the Pequannock River was listed as "impaired" in the NJDEP 2002 and 2004 Integrated Lists, despite its distinction as a Category 1 waterway.
- In 2004, DEP Commissioner Campbell revised the City of Newark's Water Allocation Permit to again require low flow discharges below the Macopin Outlet. The City of Newark appealed the new permit conditions.
- As of December 2008, the NJDEP and the City of Newark has failed to reach an agreement, therefore allowing the City of Newark to continue to operate their water supply systems on the tenets of the 1991 permit, which does not require the maintenance of a low flow in the Pequannock River year-round.

Current Conditions of the River:

- Water temperatures continue to rise, during the summer months, well above the 52-68 degrees Fahrenheit required for Trout populations and general aquatic health. During July 9-10, 1995, water temperatures were in excess of 83 degrees, resulting in a wide-spread fish kill along the River between Oak Ridge and Charlotteburg. On July 2-3, 2002, the river temperature exceeded 80 degrees and only July 4th, 2002 it exceeded 83 degrees again resulting in widespread fish kills.¹
- The report referenced above, recommends a sustained low flow of 12.3 cfs of flow below the Macopin Outlet. Those flows are not required under the 1991 permit and have therefore not been maintained by the City of Newark in recent years.

Take Action:

- Write a letter to DEP Commission Mark Mauriello asking the DEP to move forward with the agreed low flows for the Pequannock River of 12.3 cfs.
- Email your letter to Mark Mauriello: mark.mauriello@dep.state.nj.us, CC: Governor Jon S. Corzine: Office of the Governor, PO Box 001 Trenton, NJ 08625.

¹Amendment to the Northeast Water Quality Management Plan. Total Maximum Daily Load to Address Temperature in the Pequannock River Northeast Water Region. Established September 23, 2004.

<http://www.epa.gov/waters/tmdl/docs/NJ-2005-Temperature-Pequannock%20TMDL.pdf>

Talking Points:

- Newark's appeal, claiming that there is not enough water to meet demands while providing some water flow for the river, is flawed. Water Allocation Permits are issued based on safe yield calculations which require an assumption that adequate passing flows will be maintained.
- It has been reported by the Bergen Record ("Fighting over the Flow" 12/1/2008) that the City of Newark is discussing selling water to Kinnelon and Pequannock, where well water has become polluted with high levels of calcium and sodium. Instead of purchasing potable water, these municipalities should look to address the root causes of these pollutants and work to correct the existing pollutant levels.
- Al Zach, the head of Newark's division of water and sewer utilities, has stated that the City of Newark is planning to conduct flow, temperature and safe yield studies for the Pequannock River system. These studies have already been completed by the NJDEP and the results are available <http://www.epa.gov/waters/tmdl/docs/NJ-2005-Temperature-Pequannock%20TMDL.pdf>. It is within this report that the flow of 12.3 cfs is recommended to be maintained year-round.
- The NJDEP should rely on the existing determinations of flow, temperature and safe yield and move forward with a permit agreement that requires a low flow of 12.3 cfs be maintained in the Pequannock River below the Macopin Outlet, year-round.
- The Pequannock River is a Category 1 river that feeds the Pompton River, which is also the source of the Wanaque Reservoir system. Without the maintenance of low flows, water quality is severely impacted in the Wanaque Reservoir system as well.
- The Pequannock River, despite being a Category 1 waterway, was listed by the NJDEP as "impaired" in the NJDEP 2002 and 2004 Integrated Lists.
- Newark's Water Allocation Diversion Permit No. 5123 should be renewed with the recommended conditions, including the maintenance of the 12.3 cfs passing flow.

Pequannock River – August 2008

