

# Water Management Rule (Kirkwood-Cohansey aquifer) Update

Substantial Change Notice

P & I Committee

January 27, 2023

# Status

- ▶ P & I Committee suggestions/concerns in November
  - ▶ Quantitative language to define nonconsumptive use
  - ▶ Feedback from other agencies
  - ▶ Proximity of water withdrawal & return locations
  - ▶ Water quality concerns on returned water
- ▶ Meeting with NJDEP
- ▶ Meeting with aggregate industry representatives
- ▶ Revised rule language provided to Governor's Office

## November draft revisions (recap)

- ▶ definition of nonconsumptive use
- ▶ language stating that diversion standards and modeling requirements in rule will not apply to proposed diversions for resource extraction operations that constitute a nonconsumptive use
- ▶ Other minor changes

# NJDEP - Water Allocation Meeting

- ▶ **Nonconsumptive use: 90% return of diverted water**
  - ▶ Application materials required by DEP
  - ▶ Hydraulic dredging process
- ▶ **Nonconsumptive use: Water returned at or near the source**
  - ▶ Extraction area permit
  - ▶ Centroid of pond
  - ▶ Reference approved plan
- ▶ **Water Quality reference - intend to remove**
- ▶ **Hydrogeologic report**
  - ▶ Volume & method of estimating
  - ▶ Location of diversion and return

# Aggregate Industry Meeting

- ▶ Regulated by:
  - ▶ Soil districts
  - ▶ Municipalities
  - ▶ Pinelands Commission
  - ▶ State
    - ▶ Water allocation
    - ▶ NJPDES (general permit for mine de-watering)
    - ▶ Mine safety
- ▶ Location of withdrawal and return
  - ▶ Mined by hydraulic dredge
  - ▶ Dredge (barge) is the location of withdrawal and most return

# Re-proposal Update

- ▶ Re-proposal
  - ▶ “90% return” added to definition of nonconsumptive use
  - ▶ “quality” removed from definition
  - ▶ Resource extraction application requirement added
    - ▶ Hydrogeologic report to demonstrate 90% return
    - ▶ Describe withdrawal and return volumes
    - ▶ Location of withdrawal and return

# Rule Schedule and Next Steps

- ▶ Governor's office review and approval
- ▶ Full Commission- February 10
- ▶ Publication in NJ Register - April 3
- ▶ 60-Day comment period & public hearing ends - June 2
- ▶ P&I Committee - July 28
- ▶ Commission Meeting - August 11
- ▶ Governor's Office review & file with OAL
- ▶ Published adoption - November 6