



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

MAIL CODE 401-03

DIVISION OF WATER SUPPLY AND GEOSCIENCE

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Governor

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Lt. Governor

BOB MARTIN

Commissioner

September 23, 2011

Ross Kushner, Executive Director
Pequannock River Coalition
P.O. Box 392
Newfoundland, NJ 07435

Dear Mr. Kushner:

This is in reference to your letter dated August 22, 2011 regarding the water temperatures in the Pequannock River downstream of the Newark Water Supply Reservoirs. As you noted, the Newark Water Allocation Permit includes seasonal water temperature conditions for the Pequannock River downstream of Newark's Oak Ridge Reservoir, i.e. that water temperature be maintained from May 1st to October 31st at a maximum daily average temperature of less than 74 degrees Fahrenheit, "to the extent feasible."

As I am sure you are aware 2011 has been a year of extremes, both in temperatures and rainfall. The State Climatologist's webpage, <http://climate.rutgers.edu/stateclim>, provides a detailed overview of this. Since 1895 this spring was the 6th warmest on record with July being the warmest July on record. Rainfall and associated flooding have reached record levels. The referenced temperature overages have tended to coincide with the reservoirs spilling. Given the magnitude of stream flow during some of the periods when river temperatures were elevated and the limits of the release mechanisms, making additional releases in the amounts necessary to ameliorate the water temperature issue may not have been feasible in all cases.

A review of the United States Geological Survey real time water quality temperature data, at <http://nj.usgs.gov>, for the Pequannock River gauge downstream of Oak Ridge Reservoir indicates that the daily average temperature of 74° F was not attained on approximately 5 occasions within the 140 day period the condition is in effect; two of

those daily averages were 74.1° F which may be within the accuracy limits of the gage. An annual daily average assessment will be performed at the close of the regulatory period to determine Newark's success in maintaining water temperatures at or below 68° F. There are no daily maximum temperature limits in the permit.

The Department is committed to protecting the unique and special nature of Pequannock River watershed, and has received assurances from Newark that they are committed to maintaining stream temperatures within acceptable ranges to the extent feasible given the climatic conditions that are present and the capability of their release structures. We will continue to work with Newark to ensure the temperature objectives in the permit are met. At this juncture it has not been determined whether the referenced temperatures will result in an enforcement action. After the annual daily average is calculated and the environmental conditions affecting water temperatures are considered, including USGS gage data from upstream of Oakridge Reservoir, a decision will be made as to whether Newark's actions pursuant to water temperatures below Oakridge Reservoir warrant an enforcement action.

Should you have any further questions please feel free to contact Robert Hudgins at 609-292-2957.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Fred Sickels', with a stylized flourish at the end.

Fred Sickels, Acting Director
Division of Water Supply and Geoscience