

May 31, 2019

DEPARTMENT OF AGRICULTURE
Douglas H. Fisher, NJ Secretary of Agriculture
PO Box 330
Trenton, New Jersey 08625

Dear Mr. Fisher,

My name is Laura McBride, I am the president of the Deal Lake Watershed Alliance (DLWA), an organization formed to improve the quality of water in Deal Lake and the ocean it feeds into. Our newly formed organization has more than 125 members concerned about the deteriorating health of Deal Lake. The DLWA works in collaboration with the Deal Lake Commission, Rutgers and Monmouth Universities and Clean Ocean Action, on ways to reduce water pollution through green infrastructure programs designed to improve inadequate stormwater management systems. We are dedicated to educating our community and advocating for measures that will protect and improve the Deal Lake Watershed.

I am writing to report a recent disturbing incident that highlights the challenges facing us.

On April 15, 2019, I witnessed and video recorded sediment-filled stormwater discharging directly into a storm drain from a construction site at Nobility Crest, which is located off Route 66 in Ocean Township (see attached video). The attached drone photographs capture the discoloration of the water from the sediment. The sediment was clearly visible in the retention basins at Cedar Village (the development adjacent to Nobility Crest) as well as in much of Deal Lake nearly two miles east of the construction site. Sediment has caused immeasurable damage to Deal Lake, over the years, much of it from upstream including this location, through a series of channels.

The matter was reported to Township and County officials as well as to the NJDEP (Case #19-04-16-08-47-28). The Freehold Soil Conservation District dispatched Ben Shotland to the construction site where he met with the Ocean Township zoning officer, Ronald Kirk and the Chair of the Deal Lake Commission, Don Brockel. Soon after, some measures were put in place to prevent additional sediment from discharging into the storm drains (for instance, the release pipe was capped). Unfortunately, a significant amount of uncontrolled sediment was already deposited in our waterways as evidenced by the attached photos.

We rely on officials at the NJDEP, Freehold Conservation District and Ocean Township to enforce the sediment control standards mandated by the New Jersey Soil Erosion and Sediment Control Act and by Ocean Township's Soil Erosion and Sedimentation Control ordinance. What was lacking at Nobility Crest was oversight from the agencies we trust to protect our natural resources. If not for the fortuitous fact that I (and others in the neighborhood) observed the gross sediment contamination in the Lake, and then saw where the problem stemmed from, it could well have proceeded unchecked for many days or weeks. Unfortunately, we have no way of knowing how long uncontrolled runoff predated our discovery.

We trust and expect that, going forward, the State and Township will do whatever is necessary to ensure that the Nobility Crest construction site is in full compliance with all regulations and standards governing sediment control and storm water run-off **at all times**. This includes:

- Conducting regular follow-up site visits and oversight of the Nobility Crest construction site to ensure that the developer is in full compliance with all regulations and standards governing sediment control and storm water runoff.
- Exercising the State's and Township's enforcement authorities if necessary, which could include the assessment of significant monetary penalties for non-compliance (up to \$3,000 per day of violation).
- Issuing a stop-construction order in the event of non-compliance.
- Finally, the Township *shall not* issue a certificate of occupancy for the project unless there has been compliance with provisions of a certified plan for permanent measures to control soil erosion and sedimentation.

We acknowledge Deal Lake receives sediment runoff from many sources, but in this case, the images clearly point to a single source of gross mismanagement of stormwater compliance regulations. The Deal Lake Watershed Alliance stands ready to put the full force of its organization and membership to compel all developers in the Deal Lake Watershed, to comply with the required sediment control regulations. We request a follow-up meeting with representatives of the Department of Agriculture, the Freehold Soil Conservation District, the Township, and the Deal Lake Commission, to review the situation and develop a community-based strategy going forward, so that this unfortunate situation never happens again. I look forward to hearing from you.

Sincerely,

Laura McBride

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Monique Purcell, Division Director, NJDA
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Mayor Christopher Siciliano, Ocean Township
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Don Brockel, Deal Lake Commission
Stephen Souza, Princeton Hydro
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Executive Board and Membership of the Deal Lake Watershed Alliance