

Gov. Kean: DEP flooding rule makes N.J. drinking water unsafe. Toss it | Opinion

on June 29, 2016 at 4:26 PM

By Tom Kean

Water will always find a way. When we prevent it from traveling its natural path into floodplains and streams, it finds its way through our basement windows, closes our roads and shuts down businesses.

New Jersey has suffered terrible impacts of flooding from recent disastrous storms and hurricanes, including Sandy, Irene, Floyd and Lee. However, even ordinary rain storms flood many of our city streets, business districts and residential basements.

For those of you who don't remember, we have come a long way in New Jersey toward cleaning up a legacy of environmental neglect. We breathe more easily in our cities that once were shrouded in perpetual smog. Rivers and streams that once were choked with industrial contamination are again breeding grounds for fish and amphibians. Our beaches that were dirtied by tar and strewn with detritus of offshore dumping are now clean. We have a better understanding of the causes of flooding — poor planning — and we are making great strides in reducing those impacts.

It was a proud day in my administration when, in 1987, I signed into law the [Wetlands Protection Act](#). We were accomplishing great things and helping to create a better New Jersey and a stronger economy for our children. We still have a way to go and we should never go backward.

The Senate president must [post SCR66 for a vote](#) at Thursday's session. And the Senate should vote in favor — as did the Assembly — completing the action of invalidating the Flood Hazard Area Control Act rules. [Christie shouldn't mess with N.J.'s clean water supply to benefit developers | Opinion](#)

The NJDEP under the Christie Administration is put in the role of disposing the resources it was established to protect. The beneficiaries actions are at the expense of the public's well-being and for future generations .

Recently, the Department of Environmental Protection adopted rules that will reverse the progress we have made to reduce flooding.

The newly adopted [Flood Hazard Area Control Act Rules](#) allow more development in our floodplains. Furthermore, the rules allow clear-cutting of the protective, vegetated buffers along streams that both absorb flood water and filter pollution before it reaches our waterways.

We know today that structures built in floodplains put people and property in harm's way. We also know that natural corridors of trees, shrubs and grasses growing alongside rivers and streams absorb much of the impact when these waterways reach flood stage. These natural corridors also absorb pollutants, protecting the streams and rivers that are critical to our drinking water supply.

About half of New Jersey's drinking water comes from streams and rivers.

The state Legislature has the constitutional authority to repeal the new rules. They should exercise this authority and in fact, they are very close to doing so.

The New Jersey Constitution provides that by a concurrent resolution of both houses of the Legislature, a finding that a rule or regulation of a state agency is in violation of the intent of a law, the agency must correct the violation. If the agency fails to do so, by a second concurrent resolution, the agency rule is invalidated.

In January, the Senate and Assembly passed resolutions finding the Flood Hazard Area Control Act rules violated legislative intent because the rules would allow more flooding and degrade the quality of our drinking water. This month, after the DEP failed to improve the rules, the Assembly voted in favor of invalidating the rules.

It is now up to the Senate.

Every day I am thankful to have been given the incredible opportunity and solemn responsibility to have governed this wonderful state. It is with the highest regard for the people of New Jersey, and for our elected officials who serve them, that I ask the Senate to complete this action. We cannot go backward.

[A clean water victory after the Legislature blocks Christie's dangerous new rules | Opinion](#)

The state's DEP's new rules would increase development in New Jersey's flood-prone areas and reduce protections for our most sensitive waterways, affecting our drinking water.

Flooding is the No. 1 natural disaster in the United States, and flood-insurance claims in New Jersey are the second-highest in the nation. Rolling back protections against flooding is a poor economic choice for the Garden State. When businesses flood and shut their doors, New Jersey loses. It is the job of the Department of Environmental Protection to write rules that reduce, not increase, flooding.

And if it takes an act of the Legislature to force its hand, it must do so.

Tom Kean was governor of New Jersey from 1982-1990. As governor, Kean created the New Jersey Department of Environmental Protection. The Freshwater Wetlands Act is an enduring legacy of his term in office.