

Critics of Highlands Development Plan Step Up Attacks on DEP

[Jon Hurdle](#) | July 12, 2016

Proposal would quadruple number of septic systems in forested areas of region, which serves as water supply for some 5 million people



Critics of Christie administration plans to increase the density of residential development in the New Jersey Highlands believe the administration purposely made it difficult for opponents of the plan to get their objections on record by holding only one public hearing on the matter and scheduling it for 4 o'clock in the afternoon.

Thus, about 25 individuals and representatives of environmental groups held their own hearing last night at Montclair State University, expressing their intense opposition and urging the Department of Environmental Protection to withdraw a proposed rule change that would implement the plan.

The group plans to transcribe the comments and submit them before the comment period is over. Elliott Ruga, policy director of the New Jersey Highlands Coalition, said legitimate comments must be answered by the DEP issue by issue.

Speakers assailed the DEP's plan, which would almost quadruple the number of septic systems allowed in the forested acres of the Highlands, and increase their number by about 50 percent in the region's unforested areas. The DEP said this calculation is wrong; at most the septic density would increase by 12 percent. Regardless, the agency noted, the new standard does not change the existing nitrate dilution model; the targets were based on recommendations from the U.S. Geologic Survey.

Critics said the proposal, published by the DEP in May, would hurt water quality for the approximately 5 million people that depend on the Highlands for water supply; would open up the protected natural area to developers; and would represent an abandonment of the legislative intent of the 2004 Highlands Act, which protects the area.

Speakers accused the Christie administration of giving in to pressure from developers and of ignoring the need for clean water for a majority of the state's population. Organizers of

Monday's event including the New Jersey Sierra Club, Clean Water Action, and the New Jersey Highlands Coalition.

George Cassa, a resident of Tewksbury, and president of the Coalition, accused Gov. Chris Christie of using the proposed rule change to undermine a law that he doesn't like.

"This is a seemingly coordinated attempt by the administration to pull the Highlands Act apart, board by board," Cassa said. "He has been relentless in his willingness to abuse the power of his office in the form of DEP.

"As governor, he took an oath of office to uphold the laws of the state of New Jersey, and that oath of office does not allow him to distinguish between the ones he likes and the ones he doesn't like, said Cassa, 69, who runs a fly-fishing business. "I don't believe he has any authority at all to end-run the legislature by instructing his executive branch appointees to work in direct contravention of legislative intent."

DEP Commissioner Bob Martin has defended the rule as a "common sense, science-based approach" to protecting water while creating "reasonable opportunities" for economic growth and jobs.

"This is a time when DEP must be proactive in preservation, not reactive to the special interests of builders," said Laurie Howard, chair of the Passaic River Coalition. "Who is the DEP protecting in this instance? Not our citizens' concern for future clean water but apparently developers who will be able to build more with fewer septic requirements."

Ruga and other speakers accused the DEP of ignoring the public in favor of the wishes of developers.

"The government looked for a cheaper way out to help out some interests other than the people they were elected to represent," he said.

Richard Malizia, a resident of Hawthorne, said he had not planned to speak at the meeting but was moved to do so by the passion of other speakers.

"I'm really sorry that I had to be here because I thought it was over, I thought we had won, but obviously it's about to be turned on its head," he said, referring to the passage of the Highlands Act.

Malizia, 70, a chartered public accountant, said Gov. Christie had "slowly" removed members of the Highlands Council that wanted to protect the area. "Now they are the fox guarding the hens," he said.

In a separate attempt to force the DEP to rethink its rule change, opponents in the legislature have introduced a resolution in both houses that would, if approved, state that the plan violates the legislative intent of the Highlands Bill, and would require DEP to amend its rule, said Ruga of the coalition.

The DEP said is it has extended the comment period by 15 days in response to complaints.