

Critics Call on DEP to Hold Line on Septic-Tank Density in Highlands

[Tom Johnson](#) | September 14, 2016

State agency argues its proposal allows for development while protecting source of drinking water for some 6 million people



The environmental community is gearing up to lobby lawmakers again to try and block a new rule by the Christie administration they fear would impair the drinking water of most New Jersey residents.

Mobilizing the support of officials from the state's two biggest cities, critics of the proposal gathered in Liberty State Park to call on the administration to withdraw a proposed rule that would open up the most environmentally sensitive parts of the Highlands to more development.

The proposal by the state Department of Environmental Protection, unveiled earlier this year, would increase the density of septic tanks in the Highlands, an 860-acre expanse of forests, rolling hills, and lakes that provides drinking water to more than [six million residents](#), including those of Jersey City and Newark.

The DEP has defended the rule, saying it protects water quality while enhancing the opportunities for economic growth, a recurring criticism from property owners in the region ever since a 2004 law imposing new restrictions on development was adopted.

In proposing the change, the agency said the state could allow [1,100 more septic systems](#) on 69,000 acres of protected land without impacting water quality, based on sampling of wells by the U.S. Geological Survey.

Many environmentalists dispute that view, as did officials yesterday from urban areas reliant on reservoirs in the Highlands to supply residents with drinking water.

“Carelessness by the DEP threatens to do irreversible harm to this priceless asset,” said Jersey City Mayor Steven Fulop, speaking at Liberty State Park against the backdrop of the Gold Coast

that has sprung up in the state's second-largest city. Its 260,000 residents depend on the Highlands for their water supply.

Speaking of the proposed rule, Fulop, a potential contender for the Democratic gubernatorial nomination, warned it would "gut" the intentions of the original Highlands Act.

"There is no higher priority as a public official than protecting our natural resources such as clean drinking water," said Bayonne Mayor Jimmy Davis. "We have an obligation to insure that our children and their children have access to a sufficient supply of quality water."

The Rev. Fletcher Harper, executive director of Greenfaith, a coalition of religious groups, agreed, saying it is "immoral" to undermine the Highlands protections. "It's something unacceptable to the faith community of this state," he said.

Elliott Ruga, policy director of the New Jersey Highlands Coalition, said the DEP proposal would allow increased contamination from human waste to enter the region's 11 reservoirs and groundwater resources. "This is in direct conflict with the non-degradation provisions of the Highlands Act," he said.

While calling on the governor to withdraw the rule, Ruga and others acknowledged they may have to ask the Legislature to invoke a rarely used constitutional tool that allows that branch to revoke rules adopted by the administration.

The environmental community used the tool to try and rescind another Christie administration rule involving water quality and flood protection, but it fell short of passing the Senate from taking effect. The administration blocked the move by reaching an agreement with Senate Democratic leaders to [amend the proposal](#), a move widely criticized by environmentalists as inadequate.

Asked why they would be successful in blocking the Highlands rule, Ruga said "I look at it as a rehearsal for doing it right this time."

With powerful mayors such as Fulop and Newark Mayor Ras Baraka opposed to the proposal, opponents may have a better chance of winning legislative backing to revoke the rule, according to Jeff Tittel, director of the New Jersey Sierra Club.