



Sierra Club: Victory for Highlands and Clean Water: Court Stops Bellemead Sewer Permit

May 5, 2017, 4:42 pm

The Appellate Division has remanded the matter of Bellemead Development Corporation (Bellemead)'s New Jersey Pollution Discharge Elimination System renewal permit back to the NJDEP for further proceedings. The NJ Sierra Club, along with the NJ Highlands Coalition, Township of Readington, and the Raritan Headwaters Association, appealed the July 1, 2014 permit. Bellemead applied for the permit to build a wastewater treatment facility in Tewksbury. The permit would allow them to discharge treated wastewater into the North Branch of the Rockaway Creek. The court has agreed with us and remanded the permit back to the NJDEP because it violates the Water Pollution Control Act and the Highlands Water Protection and Planning Act.

“The court decision is a victory for the Highlands and a victory for water quality. This is because the Court has required the Highlands Council to review the Bellemead sewer plant permits before DEP can move forward. We were able to stop a sewer plant from dumping more pollution into a Category 1 Stream. The sprawl project would have done major damage to environmentally sensitive areas. We are happy to see this victory after so many years of fighting. The permit being remanded will give us a better chance to stop the project once and for all,” **said Jeff Tittel, Director of the New Jersey Sierra Club.** “The court also agreed that they failed to properly consult the Highlands Council. Under the Highlands Law, they must be consulted for any sewage treatment plant or sewage service area.”

The permit was issued in July 2013 allowing 100,000 gallons of sewage into Rockaway Creek. Rockaway Creek is a category one (c1) stream and location of two major supply intakes. The site itself is within the Highlands Region. In 1998, DEP originally issued permits for an office park development in Tewksberry. The project was never built. In 2006, DEP denied the renewal of the permit. Now, they want to use the permit for a residential development called Rockaway Village proposed by K. Hovnanian. The permits were denied in 2013, but somehow the DEP approved this permit in July 2014 for a sewer plant for a project that had lapsed.

“The court has supported the Highlands Regional Management Plan and the role of the Highlands Council in this decision-making. We argued that the permit violated current DEP and NJ Highlands land use regulations, as well as Tewksbury's current municipal zoning regulations.

The court agreed with us and now the NJDEP has to reconsider the permit application. They should reject it because it violates the Water Pollution Control Act and the Highlands Act,” **said Jeff Tittel.** “The original permit was for an office park. They tried to extend it for a housing development. A housing development would increase the amount of discharge and pollution. We challenged the extension of the permit because the use changed with the change in type of plant.”

The discharge of a sewage plant from an office park is completely different from the discharge from a residential development. In a residential development, there are additional pollutants from household chemicals and other nutrients. There are also metals and pharmacological nutrients in the discharge water. The proposed plant is not designated for the discharge of this type of development. The DEP, in granting this permitting, has also ignored the Highlands Act, Highlands Regional Master Plan (RMP), and the fact that the stream is c1. C1 streams are considered the highest quality and carries anti-degradation designation, which states that there should be no measurable or calculable change in water quality. There is no way the discharge for this plant can meet the standards for c1 streams or Highlands waters. The discharge from this plant and the pollution from it will clearly violate the Clean Water Act.

“It’s important that this case was remanded back to the DEP because the permits should never have been given in the first place. This sewer plant couldn’t even meet the standards in a normal stream, yet alone a C1 stream. The DEP would rather protect the developers, than do their job and protect the environment. This project would promote sprawl and over-development in an environmental sensitive area. It will cause flooding and threaten the drinking water for millions of people. This is exactly the kind of the project the Highlands Act and Category 1 designation was designed to prevent. This is the wrong project in the wrong area and we will continue to fight against it,” **said Jeff Tittel, Director of the New Jersey Sierra Club.**