

**Oral Comments on DEP Docket No. 02-16-04, Highlands Septic Density Standards
Montclair State University, CELS Rm 120
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Moderated by Assemblyman John F. McKeon
Transcribed by Sean Gilson, New Jersey Highlands Coalition**

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1. Marcos Vigil, Jersey City Deputy Mayor (6:57:07 P.M.)

My name is Marcos Vigil I'm Deputy Mayor for Jersey City and I first want to thank the seven organizations that are facilitating this public hearing tonight hearing tonight the N.J. Highlands coalition ANJEC, Clean Water action, The NJ League of Conservation Voters The engine legal Conservation Voters the Raritan headwaters Association and the Sierra Club New Jersey chapter. On behalf of Mayor Steven Fulop and the Jersey City municipal administration let me first state the reason for my presence

here. In Spanish we have a saying “Agua que no es de beber major de halcoret” It literally means if not if you're not going to drink the water. Let it run. However the symbolic meaning of it is to not get involved in matters that do not directly affect you. In this case the objective of the two thousand and four Highlands Water Protection and Planning Act was to provide the necessary protections for environmentally sensitive areas in the Highlands, which provide water to over six million New Jersey residents, living in over three hundred municipalities including over half of the water supply in Jersey City. While we respect some of the concerns presented by farmers in the Highlands regions and the good intentions of responsible developers who may be seeking to create jobs and to boost the state's economy, we believe that current Highlands preservation area rules contain already the necessary balance to address their concerns, While providing the right measure of safety to the headwaters of the Rockaway River, which features the city's two reservoirs and to reach the Rockaway river between Split Rock and Boonton reservoirs. These regulations were formulated using the best available scientific research in support of the legislature's intention to safeguard the Environmental Quality of this critical area. This new rule proposal regarding septic system density in the Highlands will significantly undercut these protections. According some of the analysis of proposed rules would result in a major increase in new residential units constructed in the Highlands area. In addition to the direct damage to the environment and to the wildlife habitat and increase impervious surfaces such as roofs driveways and patios, would increase the risk of flooding and further degrade the quality of our water. In effect this new rule proposal would gut the core protections of the Highlands act through administrative means. The rule proposal discussed today is a reminder that the environment is a common resource safeguarding the Highlands is a concern for all New Jersey residents and impacts rural, suburban and urban municipalities alike. As recent events in this state and across the nation demonstrate municipalities are facing increased challenges to provide clean and safe water to our residents, allowing vast amounts of new development in the Highlands will further increase water treatment costs for municipalities such as us, across the state which, in turn will lead to an adverse impact on the state fiscal situation. Jersey City intends to be involved at every step of this process to protect the health and safety of our residents and the quality of our most precious resource, our drinking water. On behalf of Mayor Steven Fulop, Thank you for the opportunity to speak to you.

2. Basil Hone, Citizens to Save Tewksbury (7:01:48 PM)

My name is Basil Hone and I'm speaking on behalf of citizens to save Tewksbury, which is a local conservation organization and on behalf of my wife, myself we are firmly opposed to the Highlands preservation rule change DEP actions in my home community Tewksbury Township a highlands municipality have promoted developer interest over protection of our Highlands water resource further illustrated by this DEP proposal route seventy eight was completed across our state nine hundred ninety six the town of Tewksbury Land south of route seventy eight was zoned office research in the latter part of the 1980s preliminary authorizations to develop 2 office blocks totaling 800,000 square feet were granted and the permit followed. The office blocks were never built but the sewer permit was periodically renewed. At that time the DEP was cooperative in providing relevant information and enforcing its regulations. In the early 200s the zoning changed to allow high density town houses. When the DEP learned that they had been an unauthorized change of use in respect to the permit it

declined to renew. The developer appealed the decision. Following the adoption of the highlands act, a subtle change in the attitude of the DEP towards Tewksbury environmental issues emerged. The Highlands council more than the DEP became the towns Protector. That the DEP resented the creation of the Highlands act as an area in need of a special protection is quite clear. Governor Corzine's executive order 114 called upon the DEP, the Highlands Council and COAH to cooperate with each other. The governor specifically required the DEP to cooperate with the Highlands Council over water issues in the region. So how did this affect Tewksbury, the DEP denied that an appeal had been filed. Then the DEP failed to notify parties of the appeal, then the DEP settled the appeal with the developer in a non-public negotiation that reinstated the permit application. The public only became aware of the deal 2 years later following an OPRA request to the DEP. Christie's DEP was in place at the time of a public hearing to review renewal of the permit. In the face of extensive objections of some 70 local gov. local resid. And state and regional conserve. Orga. The Christie DEP in 2014 granted the renewal of the permit and this despite there being no develop. Project for a sewer, no sewer required under the current zoning and no sewer permitted under the highlands regional master plan and so Tewksbury has witnessed a fundamental change in the Dept from one with the envir. As the first priority and development only allowed if it can be accom. To one with develop. The first priority and the environment second. The DEP's proposed rule changes prove that particularly given that the Highlands nitrate dilution standard was approved by the DEP advisory board in 2011 and revalidated in conjunction with USGS in 2014. So adoption of the amendments will be the proof the current objective of the Department is development first, environment. Last. Thank you

3. Renee Alessio, West Milford, NJ (7:08:15 PM)

My name is Rene. Alessio. I'm from West Milford New Jersey. I've lived in the township of West Milford which is in the heart of the preservation area, for almost forty years. I've seen changes in my township the Highlands Act was passed in two thousand and four because people understood the need to protect and plan for clean drinking water for current and future generations. We know that water is life and so we cannot live without clean drinking water and the cheapest way to purify water is by allowing the contiguous forest to do it. Therefore we need to also protect our forests. I want to thank all these champions here that have worked to protect the Highlands, where I live for all these years. I have personally, like I said been an advocate for the Highlands water protection and planning act since its inception. I spoke down in Trenton back in the day before it was passed and I want to thank the assemblyman John McKeon If it wasn't for our legislators we wouldn't have the Highlands Act either but from a personal perspective development, Not only allows for clear cutting of trees but development allows for more pollution. Let's face it it's not the animals in the woods that have created all this pollution and environmental degradation, Humans have caused it. So if the new septic laws allow for more. Homes in the forests That means you need to cut down trees put in more roads and driveways build homes and put in septic systems, of course there will now be higher levels of nitrates in the water and if the homeowner does not clean out the septic system at least every three years as mandated by law in West Milford then the nitrate levels may be higher. by the way the septic ordinance in West Milford is not well enforced. On top of that the homeowners may not be aware of what they can or cannot put in their septic system. This may lead to medications in volatile organic compounds

contaminating the groundwater. If the homeowners use fertilizers and herbicides on their lawns, that also adds to the problem.

So now there is more pollution in the ground more impervious areas for less drainage, reduction in groundwater discharge possible flooding and less trees to clean and protect the groundwater. droughts. Also complicate the situation. The science behind this new septic density ruling changed allowing for more septic systems does not make common sense. It is flawed and will have an adverse effect on our water quality. cutting through contiguous forests will have other ecological effects as well it will impact the creatures and flora that live there and if you're a hiker you know what that means you know you won't be seeing all these beautiful animals. And actually they'll probably be in your backyard instead of in the woods. Our Highlands preservation area has also always maintained cooler temperatures in forests but will continue to be an asset. While we can try to control climate change but only if we are able to protect them from development. This brings us to the question of also property rights some property owners feel that their property values have been hurt by the act specifically farmers but in the in West Milford we really don't have a lot of farms that are really to the north of us in Orange County in the black dirt beautiful black dirt area or to the south of us. There's a lot. There are farms and we do need arms to feed us and therefore we need to protect our farms and Farmers. New Jersey has lost a lot of our farms to development but we do have some open space funds. Hopefully we'll keep getting those open space funds that have helped some farms and other property owners. But what really hurt property values the most everywhere in the country was the two thousand and eight crash But property values including in the Highlands are rebounding, property taxes in New Jersey have been another issue that people always complain about in the Highlands. But property taxes in New Jersey is really high everywhere in New Jersey and the more development the more we need to raise taxes for services and farms do get some special taxation at lower rates on the farm land itself. so I feel that New Jersey would be better served if Brownfields not only in the cities but in the Highlands, we have some Brownfields. Were cleaned up and builders redevelopment on those areas that will help the economy, instead of destroying our pristine forests for new development. Not only this but we need to fix failing infrastructure for water in New Jersey and as it was stated before you know there is a state wide water supply plan that needs to be updated. This would all improve economic growth in New Jersey while protecting our natural resources and the question of course is why didn't the NJDEP want to weaken the highlands act and we all know that Governor Christie is not a fan of the act as we've also discussed and tries whenever he can. To try to gut it. This new septic ruling by the NJDEP is not subject to Highlands Council approval and that's one way that the governor that Governor Christie can weaken the law without interference from the council that is supposed to protect us and our Highland act. The New Jersey DEP clearly follows the directions of the governor and I'm hoping that we actually have a chance to stop this new ruling. The core mission of the New Jersey Department of Environmental Protection is quote to be the protection of the air water land and natural and historical sources of the state to ensure continued public benefit. The DEP. must not put aside the best interests of the majority for the special interests of the few. These new septic rulings are not in the best interests of the people of NJ who want clean water. The bottom line, the intent of the Highlands Act is to preserve our forests from development so that over five million New Jerseyans can have clean drinking water now and clean drinking water for future generations. Thank You

4. Bill Chappel, Newark, NJ (7:16:25 PM)

My name is Bill Chappel C H A P.P.eL residing at seventy three James Street in Newark with Jersey. I am a long time member of the Newark water group. We have been fighting for years to maintain control, political control over our water infrastructure. I might say successfully. Now this is a new threat as Jeff Tittel mentioned about the history the need to create a watershed because of disease. I feel that this potentially will send us right back to the eighteen hundreds. It will be another Flint and it will be potentially a disaster that Newark Could ill afford. We cannot afford to be building more filtration plants and process polluted water. We just are under the gun right now tax wise and people in Newark cannot afford higher water bills especially at this particular time and this is an affront to the citizens of Newark and I might say to the rest of the New Jersey thank you very much.

5. Greg Lanez, Commissioner of the Environmental Commission of Jersey City (7:18:17 PM)

My name is Greg Lynn is resident in Jersey City also pointed commissioner of environmental commissioner of Jersey City as a longtime resident of Jersey City I know that one of the field trips that we had was to go to the Boonton reservoir one of the reservoirs that supply us with drinking water. I'm not going to talk about facts or discuss things such as the amount of water that's in Jersey City but I want to have a clear message on the future of New Jersey and the residents. On my daily job I actually help cancer patients, patients to get their treatments and I've been doing this for close to seven years now and I've been I'm seeing an ongoing process where patients who get recently diagnosed for deadly cancers, breast cancer, lung cancer, pancreatic cancer. They're not too far away from the brownfield the water that we drink the air that we breathe, the food that we eat affect our bodies and if we're going to allow for more development, irresponsible development of areas that have our water. We're putting ourselves and future generations into the hands of more cancer. right now National Cancer Institute predicts that six thousand eight hundred New Jersey residents will die of cancer this year. What's the government doing to try and finding a source of where these patients are getting these polluted water? right now where's you could find these patients and you see that they're not too far away from Brownfields who's cleaning up those brownfields rather than the directing public resources and finding a cleanup to these areas they're looking to destroy more lands that are obviously protected for the health and benefit of future generations. So as a resident of Jersey City and a resident of New Jersey I stand against this development irresponsibly because we have no idea what this is going to do, It's a big question mark. They're not looking at it within a ten year, fifty year, hundred year growth. They're not looking at the ill effects of how this is going to affect the residents and future generations. They're looking at a two to five year profit gain, rather than long term benefits of the residents and of the citizens of New Jersey. Thank You.

6. Mary Walsh, 64 Davis Ave Hackensack, NJ (7:21:10 PM)

My name is Mary Walsh I'm from the north Jersey chapter of the Sierra Club. Our lack of support for the proposed rules does not reflect an us versus them attitude but rather an all for everyone view. Just for a moment Imagine you're flying over the Highlands region as it is now. Its current state is the result of many years of efforts by citizens, government and business to determine what is best for the common

good. Especially the thirty nine percent of New Jersey who depend on it for our water. We believe the Department of Environmental Protection exists to go beyond what is beneficial for a few and according to your own mission is and will continue to be for the protection of the air, waters and to ensure continued public benefit. Knowing this to be your vision. I feel puzzled by your scientific data to encourage development, which shows On the contrary that the development over the last eight years has already had a negative impact on the groundwater in two thousand and eight the median nitrate concentration in all of the Highlands was zero point one milligrams per liter, according to the Highlands masterplan the target nitrate concentrations for the protection zone was zero point seven two milligrams per liter. Your estimated median nitrate concentration in the protection zone using a logistic regression model range from zero point eight to one point zero six. You see different substitutions for non-detect values. This means that in eight years the nitrate concentration in an area of non-development has gone from zero point seven two to zero point eight milligrams per liter. Furthermore if you compare the one point one milligrams per liter median nitrate concentration and a variety of settings with the concentration in your chart average the nitrate concentration has gone from one point one to one point three nine in the past eight years, this means that increasing the sewer density in the protection is not a good idea. Since the eight years in the eight years the nitrates in groundwater and that stone has already gone up by zero point zero eight milligrams per liter. On a more positive note the concentration levels in the conservation zone in your chart show no more than one point six four depending on the substitution for non-detect values because the target concentration for the conservation zone in master plan was one point eight seven, you are doing your job there. I hope you will let the numbers speak for themselves and serve the one third of New Jersey with continued clean water.

7. Kathy Abbott, 40 Wynwood Rd. Chatham Township, NJ (7:25:11 PM)

Kathy Abbott from Chatham Township. Thank you. I used to be a politician. On the Chatham Township committee. long time environmental activist as well served on my environmental commission for nine years in Chatham Township was a board member for green faith for nine years as I understand exactly what you're talking about serving the common good and also my family has part of my family has been here since the eighteen fifty's immigrating to Newark and I understand, Well I just feel like New Jersey's my state, my family's state and I don't want to see it go down the tubes and I just want to have two basic comments and everyone has so many smart things to say about the science and I'm sure that the DEP is wrong about their calculations to say it's OK to quadruple the amount of development allowable by the septic rules and I just want to give some more broad brush metaphorical reasons. I recently took a trip to a third world country where there are very many smart engineers but all the drinking water in every single river, in every single well is undrinkable the people that I was with were from New Jersey going back to their native country and all their Holmes in the cities and actually in a farm too that I was at were had reverse osmosis filters with U.V. radiation you just cannot drink the water there even though there are many people doing things that are super high tech and so then I think OK well what is a developed country, a developed country is not about high technology for you know shopping online shopping or some it's about having clean drinking water for everyone and everyone knows that countries with poor populations that are sick that don't have enough food are not what America is but if

we if we as a small state of New Jersey ruin our major drinking water source for more than half the state we are becoming like an ignorant and backward third world country and so then the second point is a metaphor from the health industry that I was reminded of when I was at a picnic yesterday. My brother in law who's fifty three years old has been on dialysis for almost ten years. Has anybody use a dialysis metaphor yet for the Highlands because I was just talking to my mother as I was driving her to the doctor today saying this my brother in law looks like he's twenty years older than he is because he's been on dialysis for almost ten years. Dialysis has come a very long way it used to be just didn't even make it ten years on dialysis and now the technology is such that you can make it for ten years it's, you know, lots of smart people thinking about how to filter your blood. Well think about what we have in our bodies that no one cares about kind of like the Highlands we have these two kidneys that are just mushy tissue that are gross to look at people used to eat them they don't even want to eat them anymore. And here we are they are filtering our blood twenty four seven for free. OK And if you are on dialysis I didn't understand it until I became his guardian actually, that you have your body is doing nothing to filter your blood until you get back on that machine so you're just holding toxins in your in your body and you have actually can't drink a lot of water which is suffering for people on dialysis because your body can't handle all that fluid you're there's no kidneys to process that fluid our water. So anyway the point is that you have this little ignored natural system in your body that's free and if you have to pay for dialysis per a year, First of all you're probably not paying it for probably Medicare Medicaid is and it's seventy five thousand dollars a year a person and it's kind of like what we would be doing by destroying the Highlands. It's FREE. We take it for granted and then when it's gone we're paying for a filtration plant that is imperfectly man made great technology as far as we have it but it's nothing like the natural technology in the Highlands right now that's free and here we are talking about bankrupting Jersey City, bankrupting the state, just to get a worse quality of life and worse health for everyone, worse economy, anyway maybe I'm not ending as well as I started but the point is it's like our the Highlands are like our kidneys.

8. Francis Spann Tewksbury Township (7:30:15 PM)

My name is Francis Spann I'm a resident of Tewksbury township in Hunterdon County and I'm here to state my Strong opposition to the proposed Highlands rule change that would relax the septic density and nitrate pollution standards in the Highlands core forested areas The rule proposal is an apparent effort by NJDEP to settle a New Jersey Farm Bureau last challenging the Highland zoning DEP has characterized the revised septic densities as common sense, the rule proposal will result in As we've already heard approximately another eleven hundred septic systems in the core Highlands preservation area. DEP claims that the U.S.G.S. data provides a science based approach to protecting the waters protecting the region's water supply while creating reasonable opportunities for economic growth and jobs. Make no mistake; the rule proposal is a direct violation of the Highland act anti degradation standards. Its sole purpose is to satisfy development interests. Others have and will this evening capably address the flaws in the U.S.G.S. reliance on public well testing data. The bottom line is as we've heard the rule proposal will result in degradation of ground and surface water quality. It relies on data from shallow depth wells in developed areas.

Not pristine deep water recharge areas to determine the ambient groundwater quality and it fails to consider cumulative effects of increased septic density and the resulting growth on water resources. All of these are requirement of the highlands act. Of grave concern is this rule proposal is yet another move by DEP. to compromise environmental protection in the name of advancing economic growth. The DEP.'s recently adopted storm water management and flood hazard area rules eliminated the special water resource protection area accorded to category 1 Streams and now allows development intrusions into stream buffers, despite the extensive research that supports the critical role, intact riparian buffers play in maintaining surface water quality and mitigating downstream flooding. Additionally DEP is relaxing regulatory protections in the absence of updated state and Regional Planning documents that are intended to holistically assess water resources and consider the cumulative effects of regulatory actions on water supply as we have already heard two outdated plans include New Jersey's water supply plan, water quality management plans and waste water management plans throughout the state. In some instances basing regulatory decisions on outdated plans, Despite their own active involvement with updating plans that would result in a different regulatory result. Such was the case in Tewksbury Township which we heard about this evening where DEP recently renewed a ??? permit for a long defunct commercial development in the Highlands Water Resource stream basing their decision on the townships out dated waste water management plan. in issuing this

Permit DEP. sided with corporate development interests and ignored the wastewater management plan they were actively updating with the Highlands Council. New Jersey's water resources belong to the residents of New Jersey, They are public trust in contrast business interests, the intended beneficiaries of D.EP.'s. regulatory relaxation efforts are private entities the. DEP's aggressive advancement of economic growth to the detriment of protecting our water supply has been the hallmark of the current government and administration. We cannot afford to allow protection of critical natural resources become victimized by political winds of change or our state leader's national ambitions. Environmental protection and economic growth do not need to be mutually exclusive entities rather DE.P. should apply their science based approach to protecting the waters the region's water supply while creating reasonable opportunities for economic growth philosophy to our cities and built communities. D.EP. should focus their efforts on repairing and maintaining existing drinking water and wastewater infrastructure to ensure that the water resources protected by the Highlands region remain non-impaired by their travel time through streams systems and aging pipes to the six million people who rely on this water resource. Additionally DEP. could actively utilize tools of open space preservation, transfer development rights, appropriate redevelopment of brownfields rather than environmental degradation via litigation settlements as a means of natural resource protection. This would be a commonsense approach to ensuring water quality protection for New Jersey, thank you.

9. Dawn Ferguson 28 Rowan Rd, Chatham, NJ (7:35:51 PM)

My name is Dawn Ferguson twenty eight Rowan road in Chatham New Jersey and I'm here just as a citizen concerned about our water. I want to thank you all for being here and assemblyman McKean just for speaking up for our environment over for many years. I wish there were photographs of the Highlands and there aren't any.

Because I think you see this incredible space that we have as a gift of free gifts with trout streams that are category one strong enough to support things like trout. I don't maybe even pictures up here but it's an incredible natural resource. We are the Garden State, Not the garbage state. And if people saw the Highlands they would realize just how. Yeah I mean it supports all kinds of habitats and birds and filtration systems, huge trees and clean water. I am so glad there is someone from you know east that has been receiving the water from Essex County because I feel like that's really under siege. Since so much of Essex County relies upon the Highlands and I don't think that residents are aware of it there is a gentleman from Newark that that seems to understand the issue but what we're I'm obviously opposed to this suggestion to loosen the standards and to allow more development in the Highlands. But I think in as much as the farmers are looking to develop more land, It's a little shortsighted to be to start developing and allowing more septic systems. They need clean water they their farms will not be sustained without it. I'm not a scientist, I'm just a resident that knows that without water we don't have life and all we have to do is to look at Flint, Michigan and see what there with these residents are dealing with during Hurricane Sandy, we lost power for ten days and that was difficult and it was cold and it was hard to cook we did have a gas stove so we could light the stove manually but I always had clean water. We could take showers. We could drink our water, imagine life without water but you had electricity. You know imagine having all of the conveniences of charging your phone. Not being able to drink the water coming out of your tap. So I ask the New Jersey Department of Environmental Protection and I find it so ironic because they're not protecting us to even suggest that this be passed, to rethink it, to do the right thing, to think of all the five million residents that are relying upon the water in the Highlands. So Thank you

10. Marilaluisa Finardi, Mahwah (7:41:25 PM)

My name is Marilaluisa Finardi and I am a resident of Mahwah New Jersey and I did not come here prepared to speak but I have been inspired by all of you and I just wanted to say that to the that exactly the Environmental Protection Agency (DEP) is here to protect the interests of the majority of people and it seems to me that this is an issue of profit over people for a few who will profit from developing but in that case, will then endanger water which is essential and this is common sense and I think that was Mark Twain who said that common sense unfortunately is not common and that when it comes to making money, It doesn't seem to be common at all. Another thing is that's a beautiful metaphor of the health of the human body in his kidneys and the highlands are the kidneys of New Jersey for six million people. So health is something we have to remember that when we are healthy. We don't feel pain, we don't we don't even have to worry about it and then it seems that the Highlands as it stands is precisely that way, if we harm it Then we will all start hurting and then we will feel the pain but we can't take it for granted. So that's another thing I thank you for that metaphor and I think it is that it will spread. I would add a little bit of something that I learned when I was a little girl I had a wonderful teacher who liked mythology. And I would tell the people in the in the Department of Environmental Protection to read again the Midas myth. The Midas Myth has to do with a king who got his wish granted and I hope Christie here this, Governor Christie and in America you don't have kings but you have governors you have presidents or people who want to be president and this King Midas got his wish granted his wish was to have everything he touched turns to gold and indeed everything he touched did start turning into

gold. But what happened he touched his little girl, his little girl went to give him a hug and she turned into a golden statue. He was hungry he tried to eat something and that turned into gold so the apple turns into a golden apple. So at the end Midas repented and asked the gods to reverse and let him go back to what he was but can we then revert can we repent in ten years and say please give us back the Highlands before this rules before this change you know the new septic density rule, No it becomes very difficult to reverse these things. It's very difficult, that's why you have to conserve it now you conserve it so that you don't have to then do all the work. Thank you.

11. Richard Melizia (7:45:10 PM)

My name is Richard Melizia. I live in Hawthorne New Jersey. I'm the conservation chair of the east jersey chapter of trout unlimited limited. Trout unlimited is a national cold water conservation organization. I really wasn't expecting to make any remarks tonight. But again I was inspired by what I heard and I'm really sorry that I had to be here because I thought it was over I thought we won. I spent hours in the early two thousands going to many of the hearings to establish the highlands act and I thought we won but obviously it's about to be turned on its head and I don't know why. Part of it is because people are accustomed to dealing with other things we have these (plastic water bottle). We all complain about the possibility of the gasoline tax going up twenty three cents. So our gasoline is going to cost us two fifty a gallon. We're paying two fifty a bottle. Somehow this doesn't bother anybody. This (plastic water bottle) is what you can drink when you build in the Highlands. I'm not an environmentalist by background. I have a degree in economics with a major in accounting. But I was born and raised in Paterson, I learned to swim in the Passaic River when the textile mills were still dumping their dye stuff and boil off. Products. Out of eight inch pipes into the river and we used to watch to make sure it wasn't colored because if we swam in the river when the die stuff was floating down the river you'd wind up with a green ring or a red ring around you and when you got home for your Saturday night bath. Mother said were you swimming in the river, you said no, you got smacked, were you swimming in the river, no, got smacked.

That's where I learned about environmentalism, the hard way. I guess the first clue that those of us that thought we had won should have been when Christie came in and slowly eliminated the people that were on the Highlands Council that were pro Highlands and I began to recognize names of people being appointed that I remember testifying at those hearings in opposition to the Highlands act, now they're you know they're the fox that are guarding the hens.

The other point is that development issues, anyone and I don't know if we still have our municipal Representatives. Many of the people that I've dealt with over the years in municipal government will tell me if they do a good job, it costs them one hundred fifteen percent of their tax revenue to run their communities. So they have to suck that fifteen percent from the state or from some other sources. So the whole concept that development somehow makes your community affordable. In the long term. It's a lie it's just an untruth and most municipalities know that but they don't want to tell you that. I don't know what's wrong with our legislators, I'm waiting for them to stand up to many of the Christie ideas that have been proposed I'm happy to hear that he withdrew the plan to develop Liberty State Park and turn it into whatever he was going to a hotel and casino something or other but you know there are lots

of other things that have to be done and I hope that we have the courage to stand up to the DEP which has been a major disappointment under this administration and tell them what we need them to do and protecting the highlands and keep in mind people talked about pollution and whatnot when I was a kid I remember the fifty's movie a most of you probably don't are old enough to remember but John Wayne was the colonel and William Holden was the Dr and I think it was called The Dog Soldier and they set up camp and after they set up camp the troops all became ill and the punchline was when the Dr William Holden said to John Wayne "the next time you draw water make sure that it's upstream from the latrine" This is what we have to look forward to with the new septic density rules. Thank you

12. George Cassa President NJ Highlands Coalition. Tewksbury Township (7:50:50 PM)

Good evening and thanks. I'd like to thank all of the speakers who have come this evening my name is George Cassa I reside in Tewksbury Township I own fly fishing business on a category one trout stream in Califon and tonight I'm speaking as the president of the New Jersey Highlands coalition. I especially like to offer my thanks to Assemblyman McKeon for being here tonight to hear our concerns as the representative of our government. I'd like to follow up on a key point that was raised by one of the commenters at the DEP hearing Back in June on these proposed septic density rollbacks the commenter referred to a town hall meeting in West Milford in October of two thousand and twelve which Governor Christie took as his opportunity to throw down the gauntlet on the Highlands Water Protection and planning act in public and in no uncertain terms. We've heard references tonight to a seemingly coordinated attempt on the part of the administration to pull the Highlands act apart board by board, there should be no question that this was the governor's intent and has been, he told his audience that night that the Highlands bill if it had actually been implemented the way it was supposed to be may not have been the worst idea in the world but the way it was implemented it was clearly one of the worst ideas by state lawmakers. I personally take strong exception to that and hope to take up the gauntlet and hope the rest of you will also.

The governor said I can't change the law because the legislature won't change the law. So I'm trying to work through the executive branch in the almost four years since the governor went on record with his intention to undermine the act he has been relentless in his willingness to abuse the power of his office in the form of DEP regulatory rollbacks affecting not just the Highlands, But the entire water drinking population of the state. The governor is of course entitled to his own opinion but as our governor he took an oath to uphold the laws of the state of New Jersey and that oath of office does not allow him to distinguish between the laws he likes and the ones he doesn't like. He has both the legal authority and constitutional duty to try to work with the legislature to effect change but I don't believe he has any authority at all to end run the legislature by instructing his executive branch appointees to work and direct contravention of the legislative intent and I wonder if he has the legal authority to even publicly express an intention to subvert the law in the way he did in West Milford. For me the issue at hand is no longer one of economics versus science versus politics. Water is more than a public trust resource; it's a simple unassailable biological imperative for life on Earth. There is no substitute for clean water at any price; the proposed septic density rule rollbacks should not be adopted. Thank you.

13. Nicholas Homyak Lake Hiawatha, NJ (7:54:45)

Nicholas home the act from Lake Hiawatha which is part of Parsippany, New Jersey. And we're part of the Highlands but we belong to the planning zone and speaking of movies The Untouchables had an episode once and for lack with that was Frank Nitti and Jake Cusic and one is trying to cut in so he tells him what percentage he wants so he tells him. I want twenty percent he goes twenty percent and J. good says I want it all. And that's what Governor Christie in effect is doing and it's he wants us to exchange our clean water rights for bottled water and I'm reminded of this when I do go to supermarket and when you see the phenomenon of the bottled water consumption and the underlining premise to that is people don't trust the water, they don't believe that this, even the Highlands Water is drinkable there's a great distrust there but somehow they're redeemed by a plastic water bottle which I can't think of anywhere you can look now without seeing plastic polluting our planet. responsible people in plastic bottles but we have a society that is based on convenience and I find it interesting the gentleman from Jersey City was here.

I live in Parsippany we get sixty five percent of our water from the buried valley aquifer but the rate of water consumption in Parsippany still requires thirty five percent to be bought from Jersey City and Morris County municipals that will just give you an idea of what people do with water consumption and the other part that scares me now, when I travel up to our national park the Delaware Water Gap I wish it was a National Parks a National Recreation Area and you see signs along 15 and 206 now zoned retail commercial, It's scary. We don't need it. in my town. I have a picture of groundwater right here this landscape disappeared for an office space in a town that has, we have probably more office space maybe than anybody in New Jersey certainly in Morris County because UPS wanted to have their own office space. So even though we were in Highlands conformance at that time they weren't paying attention to, it if you bring up a Highlands map like I did at a town planning board They're insulted by the map, How dare you show us a Highlands interactive map these are the kind of people that these developers are, they don't care So this groundwater landscape here water bubbling up outta ground here in late May It's gone, gone forever. We had a citizens movement to saves water view landscape, the council voted no two, over two years of overwhelming public opposition and people who knew what they were talking about. Behind closed doors and ironic. Guess what the landscape is disappearing to a Whole Foods Market. So I wonder what the price a bottle water is in Whole Foods but thank goodness for these gentlemen here who are intelligent human beings. And haven't been polluted by the drug of money which is the worst drug of all and I thank, I thank all you gentlemen for being here and thank you for letting me express myself.

14. Anna Whitney, Glen Ridge, NJ (7:58:54 PM)

Hello my name is Anna Whitney and I am active in the sierra club and with clean water action and I live in Glen Ridge just next door NJ and I'd like to start off by thanking the Highland's Coalition for and the other organization for putting this together in absence of the DEP putting up accessible hearings for the public. So Thank you. As with the other people who have spoken today I'm concerned about not only the threat to wildlife habitat and the disruption of an invaluable ecological gem of New Jersey but also the threat to human health. We must preserve this land if not for its own sake for the sake of our water as we've heard from many others. The science is out that this rule is going to degrade our water quality. This is personal for me because in Glen Ridge, my hometown where I've lived for over fourteen years we

get our water from the Highlands as do as we've heard millions of New Jerseyans. Our water is our health but it's not just about me and my family and Glen Ridge residents but people of every socio economic class, every race and every creed as others have mentioned. So it's all of us that are depending on the DEP to do the right thing on this and it's really urgent because if we ruin this we can't go back so I'd like to thank Assemblyman McKeon for all the work he's doing on this and I would again like to urge the DEP to rethink their proposal. Thank You.

15. Bill Wolfe (8:01:15 PM)

My name is Bill Wolfe, I live in Bordentown. So like I was saying I think this is a wonderful is that it's great thank you assemblyman McKeon for your leadership. Thanks for being here and it's wonderful to have a friendly hearing officer without an obnoxious three minute clock with a task master cutting you off. It still it brings pressure to bear and it makes me rush through. I'm going to make just two points but I need to I need to preface it with Tittel's comment the. You know the Jersey celebration I'm a native New Yorker and I came to Jersey 1985 to work for the DEP and at the time the DEP was growing as an agency and attracting talent and had you know significant political power and resources it's kind of like diametrically opposed to the current climate but New York Jeff was way out in front and in the Adirondacks forever wild for water supply purposes the Croton and the Catskill reservoir system so the parts of New Jersey that are the best are like New York. Just two points on the science and the legislative intent the science used that the department is using to justify this rule is one purported study by the United States Geological Service, that study is not a scientific study it doesn't take geology and you know Nitrate moves through of the environment.

There's no scientific component its statistical analysis of old data ninety six percent of the data that's used in this study to derive a median value comes from what's called the private wealth testing Act, which looks at private wells in homes when they're sold and those wells are typically homes with sceptics in this close proximity so the U.S.G.S. goes out of their way to say the data set is biased it over represents nitrate and gives a high level they go out of their way to say that but there are other bigger, Problems with that data because it hasn't undergone what's called quality assurance/quality control review there's quite a bit of errors in it and the Department itself has written two reports under the private well testing act saying that data is not useful, that it's flawed and has limitations including no QA/QC and I just learned today I filed an OPRA there was an additional DEP study by Division of science and research in two thousand and eight that looked closely at the private wealth testing act data that has even stronger findings at the end of it about how flawed the data is, how they had to throw out seven years of it, how they had to fire the contractor and get new software and do new statistical analysis of the preexisting data and there were errors they could not remedy because they had you know that it's too to cut it's too much in the weeds but the point is that the department now is taking a garbage set of data and holding it out as new data, new study and frankly U.S.G.S. should be embarrassed that they were used in the manner in which they were used and as a result myself and my former organization known as peer we filed a federal complaint under what's called the U.S. Data Quality Act which ironically was put in place in two thousand by right wing Republicans wanting to attack regulatory agencies and stymie their development rulemaking through attacks on the underlying science. So we have used a very right wing conservative attack on government to challenge the study

and I frankly, if there's sane heads in Washington that care about the scientific reputation of the U.S.G.S. which there are clearly, then they'll try to distance themselves somehow and we hope that that is what nicks this thing but that's a that's a long shot. Assemblyman McKeon hear and I'll talk about my second point. But let me conclude on the science to say not only is it not science it's statistical analysis of flawed data, garbage in garbage out but the concept is the only thing that's changing here is what's called the target Nitrate concentration that's the goal, that's what we're trying to prevent degradation of water quality, how you set that benchmark and the first set of rules which this rule package would reverse, or weaken were based upon the ambient background nitrate concentration and what are called pristine unimpacted areas, forested areas and wetlands systems where there was no nitrate anthropogenic manmade sources. That was the background concentration that became the standard that we shot for we said you can't degrade from that standard. All they're doing here is moving that goal post. That's why they're quadrupling the density from eighty acres to twenty two acres. They're merely moving the goalposts. And they're waving all this smoke and mirrors about a scientific study it's an outrage. So what's going on there? That's number one and by way of qualification I was at the department before the Highlands Act was passed and I had extended conversations with the state geologist on exactly the preexisting nitrate dilution model. Why it was not suitable for the Highlands geology and soils and slopes why it under protected the water resources in the region and then the need for the department to come up with an alternative methodology. So that's what led to and now we're moving into legislative intent territory as to why the Highlands Act included a section that dealt with the nitrate standard to begin with a sceptic density standard to begin with and that was because the preexisting the DEP nitrate dilution model would not protect Highlands forests or water resources it generated lots sizes from four to ten acres. So the only way around that was to insert a phrase in the ACT deep aquifer recharge which the geologists didn't know how to deal with and it obliterated their preexisting model that was the way we did it and I did it.

So I was in the room to do that so I filed the last week after the first highlands hearing I filed an OPRA request to get the series of memoranda between myself and the geologist on this very point. And today I got the denial, they denied the records request on the basis that they were those records were deliberate, that they were policy discussions that were exempt from OPRA, But the good news is that in the course of doing it they confirmed that there was a fourteen memo paper trail between me and Jeff hop and the state geologists. So I no longer, those documents ultimately exist they're openly discoverable in litigation and they are very germane to legislative intent and I would hope that the assemblyman McKeon or perhaps that someone in the Senate would put in an inquiry for that conversation because it goes to the directly Why that phrase is in the act and that's a very important a very very important point and let me just close with a political kind of a political state of the situation because I'm going to disagree with prior testimony, I don't think the governor doesn't have a plan. I think the governor clearly has a plan and his plan is privatization. So he doesn't adopt the water supply master plan because he feels that's not the DEP's role to be dictating to private water companies how to manage the water resources of the state. He sees this the private sector and maybe some local governments as being the entities that should manage the resource.

Another rule that should have been struck down by the legislature was amendments to what's called the water quality management planning rules with respect to septic there was a preexisting condition in those rules that said municipal government had to have septic maintenance ordinances and they included one of the requirements of a septic maintenance ordinance was a pump out requirement I can think of three year cycle but the point is that the DEP. eliminated that requirement. How irresponsible can you be There were other provisions in that set of rules that say that if you're going to plan for wastewater you have to have to give a development approval for. One hundred thousand gallons a day of sewer capacity or septic capacity you had to have a corresponding water supply. common sense that's good planning. You can't build something without an available water supply. Again that was eliminated. So what we're seeing is you know people talk about the series of rules this administration has gone forward with, that's all water under the bridge that can't be pulled back at this point one of the rules that can be pulled back was mentioned earlier was the buffer rule about the category one water called special water resource protection areas that resolution passed the assembly.

Thank you to the sponsor Assemblyman McKeon and he pushed it through and made it happen. It's now on the teetering on the brink in the Senate. It's been released by the senate environment Committee. And my understanding is its being up. It's being held up by Senator Sweeney and. Because Mayor Fulop was here or he had a representative here I hope somebody goes back and reports back Fulop is clearly running for governor. Sweeney's clearly running for governor. So if you're in Sweeney's shoes. Do you want to have a competitor within the Democratic Party kicking your butt on whether you support clean water or not. No I don't think like when Sweeney wants to be the dirty water man of New Jersey now Fulop is clearly staked out a position he's doing the right thing. He's on the right side its Assemblyman McKeon is on the right side. So this is like a Whose side are you on debate and if we can win that then we will win the issue and the issue of clean water will be taken off the table as an issue in the Democratic debate for Governor and we win. So I think we've got to try to cultivate that kind of politics. Secondly my fear is because the assemblyman has sponsored the assembly version. There's no companion in my understanding in the Senate right now is that's true? Well the you know again I'm not I'm not a lobbyist that's one good thing I'm not a lobbyist but I follow trends. So we need to kind of keep the heat on the preexisting S.C.R. sixty six which would have vetoed those buffer rules and make sure that happens because that then builds the foundation for the veto here and I agree with the Assemblyman's earlier remarks I have no confidence in this administration they're hell bent on doing this and they're going to do it, and so the only break. And I don't I think it's a long shot a hale to get USGS to revoke the study but I tried the only the only hope was a legislative veto that it is inconsistent with the legislative intent.

16. Laurie Howard, Chair Passaic River Coalition (8:12:30 PM)

Lori Howard chair of the Passaic river coalition. The Passaic River Coalition strongly opposes DEPs proposal to increase septic density for the Highland's preservation area as is detrimental to our future. And a clear cut reversal of many solid years of land conservation that protect our watershed we urge a withdrawal of this proposal with disastrous consequences. We must question the DEP's proposal and essentially its endorsement that opens the floodgates for development in a mostly densely populated state at a time when the public, our citizens are more than ever questioned and raising concerns about

water quality. We can ill afford to jeopardize all the progress made by the Highlands Act, we cannot return to the days of court barge building without any concerns for water issues. We have laws in place keep them, improve preservation not deny or destroy them. What is the justification for DEP's putting forth this change in policy that undermines the Highlands Act mandate to protect our lands. Clearly the political will of developers and governing bodies that create economic gain living with construction rather than focusing on building within already delineated imprints or focusing on our infrastructure. This is a time when DEP must be proactive of preservation not reactive to the a special interest of builders our citizens rely on DEP to protect our environment for the public good and trusted to not squander it the DEP is responsible for managing our state's natural resources but clearly we're in a sad states our citizens rely on this agency. 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 thereby increasing building capacity where restrictions have kept. Overdevelopment in check but why now money, contracts, deals and why minimize public input since the seventy's our state has made strides in surface and ground water quality standards and our water usage and understanding the importance of land presentation.

We all know that increased impervious cover for more roofs, roads, driveways and buildings degrades water quality and increases flooding. Development must be managed in such a way as to preserve our land that nurtures our waters. We need due process public hearings improve regulations and frankly stricter enforcement from DEP and not destruction. The land and open space divisions of the DEP oversees wetlands and stream in floodplain approaches so that we will have our most important resource replenished. Our state is suffering economically but development and overbuilding in the precise areas of the watershed that enrich our water supplies only shortens our long term viability as a prosperous state. DEP will throw a bone to developers with this flawed sceptic proposal. It should be updating our statewide water supply plan which is twenty five years out of date and focusing on correcting our water inefficiencies and failing infrastructure. There's also the issue of environmental social justice here. As the waters to the north one of the most populated urban areas of the state approximately six million people DEP what are you doing? We cannot afford to let overdevelopment jeopardize our future water supplies the qualities of our water, our water quality is at stake with this latest proposal the Passaic River coalition urges DEP to withdraw this ludicrous flawed proposal and not hold our citizens hostage to poor water quality, expensive water and over development all in the name of political agendas that eradicate the public good of our future honor the Highlands act as the public will mobilize to thwart DEP's intentions to destroy rather than protect our environment.

Assemblyman John F. McKeon, Moderator