

Op-Ed: Post the Flood Hazard Area Control Act Rules Resolution

[John F. McKeon](#) | July 8, 2016

The DEP's proposed rule changes will lead to the piecemeal destruction of vegetation that serves as a natural buffer against flooding



John F. McKeon is a Democratic Assemblyman representing the 27th Legislative District.

The Department of Environmental Protection's proposed rules changes to the Flood Hazard Area Control Act presently permit an influx of real estate development in our state's natural floodplains. This increase in development is sure to lead to the piecemeal destruction of the vegetation that serves as a natural buffer along the streams in the floodplains. Those vegetative buffers function like a large sponge -- soaking up flood water and filtering pollution before it can run down into our main waterways.

With climate change bringing stronger, more destructive weather events, such as superstorm Sandy just under four years ago, one would think the DEP would get the picture by now. The weakening of environmental rules and regulations such as the flood hazard rules is the opposite of what we need to be doing to safeguard New Jersey from future environmental, economic catastrophe.

The potential loss of these buffer zones will have a particularly acute impact within the 450,000-acre Highlands Preservation Area which stretches across Warren, Morris, Hunterdon, Passaic, and Sussex counties. This area is not only a pristine expanse open to the public for our recreational enjoyment, it also doubles as a natural water filter of considerable size.

According to the New Jersey Geological Highland Water Survey's latest figures, in 2011 the Highlands provided our state with 136 billion gallons of water. That 136 billion, with a "B," gallons, provided water to 332 municipalities in 16 counties. Thanks to our state's past commitment to preserving the Highlands, Mother Nature provides for the filtration of this water, free of charge to the taxpayer.

Do we really want to go down the road of encroachment? The cost of that decision to erode these preservation areas bit by bit would eradicate one of our most valued quality of life advantages – a plentiful and inexpensive supply of clean drinking water. Back in 2003, the North Jersey District Water Supply Commission found that it would cost the state an additional \$30 billion in water treatment costs by 2054 if development were allowed to continue into the Highlands forests.

The administration's resigning of the legislative intent of these rules as set forth in the New Jersey Water Pollution Control Act is a dead giveaway to a number of commercial development interests. This would burden taxpayers with the costly results of unimpeded flood zones and large amounts of newly unfiltered water.

An increase in flood-insurance claims would be another disastrous result of these ill-advised rule changes by the DEP. Flooding is one of the main disasters that many home and business owners faced with increasing frequency over the past few years. To loosen the reins on the rules that protect flood-hazard areas is simply unconscionable.

Two weeks ago the General Assembly approved and advanced a measure that would prevent the DEP from going forward with their proposed changes to the Flood Hazard Rules. The success of this measure is now in the Senate's hands. For decades New Jerseyans have consistently supported the acquisition of flood-prone lands to remove people from harm's way, and the proposed rule changes to allow development and the disturbance of the vegetative buffer zones go against what the intent of the people and their elected representatives. They must be forced to go back to the drawing board.

As former Gov. Tom Kean has said on this issue, we cannot afford to go backward. It has been the honor of my life to represent the 27th district by serving in the General Assembly, and it is with great respect for the wisdom and integrity of my colleagues in the Senate that I urge that this vote be posted. The state Legislature must be allowed to utilize its constitutional authority in order to ensure that the intent and spirit of the New Jersey Pollution Control Act is adhered to.

John F. McKeon is a Democratic member of the New Jersey General Assembly representing the 27th Legislative District. He is the author of the 2004 Highlands Act and is currently the vice chair of the Assembly Environment and Solid Waste Committee.