

Somers addresses MUA issues with local officials in West Milford

Friday, September 16, 2011

BY ANN GENADER

CORRESPONDENT

Aim West Milford

Julia Somers, executive director of the New Jersey Highlands Coalition, addressed the Township of West Milford Council at the Sept. 7 workshop. She lives in Green Village.

She said she was present because of recent correspondence among the New Jersey Department of Environmental Protection's (NJDEP) Bureau of Safe Drinking Water, West Milford Municipal Utilities Authority (MUA) the Township Council, Mayor Bettina Bieri and to the United States Environmental Protection Agency (USEPA) from the council and from the mayor.

"What you can't do is stick your head in the sand," Somers advised officials. "You have a public health problem with your water system that must be addressed. It is your responsibility to see that the MUA does so."

"This exchange must give folks in West Milford angina, and be a cause of great concern," said Somers. "There are residents who rely on the MUA to provide a reliable, safe, clean water supply and in some cases to treat their [sewer discharge]."

She recalled that the exchange started with a letter with photographs to the MUA from Alan Dillon, Section Chief of the NJDEP Bureau of Safe Drinking Water. She said these documented what the NJDEP represents as "several MUA facilities in a state of severe disrepair apparently due to management neglect and lack of active operational oversight."

"It (the letter) talks of rodent neglect and lack of operational oversight," said Somers. "It talks of 'rodent debris and rodent fecal matter' among field sampling equipment and the department suggests field sampling equipment 'appeared seldom used.'"

She said the NJDEP used the strongest words that she has ever seen them use in a letter in strongly stating what they call an immediate public health concern.

She noted that the MUA received the letter and was given 30 days to respond to a number of documents. She said she had requested copies of what was submitted to them by the MUA. Not receiving a response she requested and received copies of what the NJDEP sent the MUA from the NJDEP. These are:

1. Make clear who is operating and overseeing MUA facilities and what management's prior

experience and expertise in operating water facilities is;

2. Provide a plan showing what equipment and buildings the MUA owns, how old it is and what infrastructure needs improvement;
3. A 5-year capital plan detailing what upgrades are planned;
4. Fiscal statements and an asset management and capital improvement plan;
5. Details showing what rates the MUA charges and will charge in the future.

"In my research on this issue, I learned that the key to your moving forward in any way lies in that letter," said Somers. "The MUA is being asked— in fact I would say NJDEP is insisting – to show it has the technical, financial and managerial capability and capacity to operate the MUA."

In light of this, Somers sees the council request for USEPA assistance as "startling" and detailed her reasons for saying so.

"West Milford has just completed conformance to the Highlands Regional Master Plan which will not permit such an expansion of sewers, except in a discrete and local manner to correct a proven health and public safety condition," Somers said. "Such a request would not even be considered if the MUA doesn't display the technical, financial and managerial capacity to oversee such sewer expansion."

"This all seemed to start with problems at the MUA with managing the water system, not with your sewer system," continued Somers. "How did we suddenly get from water to sewers? What's going on with the water system? What is being done to correct those problems?"

"Does the council realize the extraordinary debt the town and its residents would be taking on to install sewers, even in a limited area?" she said. "The only way any town anywhere can afford to do such a thing is to require everyone who lives on a sewer line to hook up, whether or not they need to!"

"It doesn't matter if they just installed a new septic system, they must hook up!" She continued. "It doesn't matter if they own several lots. They must hook up them all and pay for a stub if the lot is not yet developed. Even on flat land, a few years ago that translated into tens of thousands of dollars per hook up. Do West Milford residents understand what you are suggesting they undertake?"

"Please don't think the costs will be picked up by the federal government," Somers said. "There might be a small percentage of the cost covered by the USEPA, but it is you who will be paying the large majority of the cost as was the case in Hopatcong whose residents paid the large majority of the cost of the new sewers."

She said that even if the USEPA were to consider the council's request the first place they would turn to is the NJDEP because the NJDEP is in essence the USEPA's representative in New

Jersey. Somers said the NJDEP is responsible for implementing the Clean Water Act and implements USEPA rules.

"You could sell the system to someone else to operate, though they are likely to require you to upgrade the system first," said Somers. "You could turn to your state or federal legislators seeking some type of assistance but won't be able to get past the fact that the NJDEP has cited severe disrepair and management neglect and operational oversight. They won't be able to nor will they want to sweep this under a rug and pretend that NJDEP letter never happened or that you don't have a health problem."

"You could knuckle down and fix the problem," said Somers. "You would have to make managerial and financial changes, as well as bring in someone technically qualified to run the system," she said. "I understand the mayor has made some less expensive short term suggestions to help start to get a handle on the problems, but unfortunately you rejected them. Let's not pretend this is going to be easy."

"I recommended that the council rewrite its letter to the USEPA, recognizing that you have a public health problem with your water supply, not your sewer system," concluded Somers. "Before you do that, you might want to first address those technical, financial and managerial issues, because you will be haunted by them otherwise."

"Every single MUA professional has been replaced," said Councilman Dan Jurkovic. "MUA problems date back to 1967. Hopefully better people are coming in but infrastructure has been deteriorating through the years. There is a huge problem that has been growing over many years."

"Birdsall has been running the plants but is not continuing," said Jurkovic. "There will be a new plant operator. When changes are made they must be given time to make them work."

"I don't know if we have the right to fire an employee," said Jurkovic. "The MUA is an autonomous body."