

# Critics of New Wastewater Rule Accuse DEP of Giving In to Developers

[Jon Hurdle](#) | November 12, 2015

**Environmental groups assert what state agency calls ‘streamlining’ of unwieldy regulations would pose threat to drinking water for millions**



Advocates for clean water in the Highlands and elsewhere in New Jersey are mobilizing against the Christie administration’s plan to give counties and municipalities more control over where to build wastewater plants, saying the changes would open up more sensitive lands to developers.

Opponents of changes to the Water Quality Management Planning rule say the overhaul would loosen state control over water quality and open up remaining undeveloped areas that currently protect water sources used by millions of people.

At the first of three public meetings on the rule, critics accused the Department of Environmental Protection of laying the groundwork for more commercial pressure on remaining undeveloped land.

“As our economy is improving, there is more pressure to develop the few acres we have left,” said Elliott Ruga, policy director for the New Jersey Highlands Coalition.

“This is the time that the DEP should be exercising control and not squandering it for private interests,” he told a meeting attended by about 50 people at the Frelinghuysen Arboretum in Morristown on Tuesday. “That seems to be the decision of the department.”

In the rule published on October 20, the DEP said the measure aims to streamline the planning process by eliminating duplication of information currently required by the DEP, and would no longer require counties to submit a full range of technical data in determining the location of a new wastewater plant.

The DEP called the current process “extremely complex” and said it deters economic development. It pledged to work with local authorities to protect sensitive areas while promoting development “where it is appropriate.”

But Wilma Frey, senior policy manager of the New Jersey Conservation Foundation, called the new rule “ill-advised.” She said water quality must be overseen by the state and not determined by the uncoordinated land-use decisions made by dozens of counties, municipalities and private landowners.

The proposed rule changes poses a particular threat to the Highlands, Frey said.

“The proposed WQMP rules lower or eliminate protective goals, policies, objectives and standards that protect Highlands water,” she told the meeting. “The proposed rule does not uphold the state’s sacred obligation to protect our public trust resources, including both wildlife and a clean and abundant water supply.”

Dan Kennedy, the DEP’s assistant commissioner for water resource management, declined to respond to the criticisms, saying that it wasn’t the DEP’s plan to comment at this stage in the process.

“Today is not about responding to comments; it’s about hearing them,” Kennedy said.

But state Sen. Steven Oroho (R-Sussex, Warren, Morris), defended the plan as a “sensible measure” that would “no longer hinder economic growth” while maintaining environmental protections.

“We cannot continue to enforce a ‘one-size-fits-all’ set of mandates,” Oroho said in a statement. “Our communities must have the flexibility to develop clear and consistent land-use plans that recognize zoning and environmental impacts that are unique to each municipality.”

Jerry Haimowitz, a retired wastewater engineer who was attending the meeting as a private citizen, said he had come to hear what people had to say about the new rule but was very concerned about its effects.

“My general impression is that this is a disaster for the environment,” he told NJ Spotlight. “It is rolling back regulation; they are using bad science.”

One example of the DEP’s flawed approach, Haimowitz said, is its proposal for assigning average levels over wide areas of groundwater nitrate dilution, a calculation that is key to determining development density. He argued that the averages would allow development in areas that are currently protected from it.

Bill Kibler, director of policy and science at the Raritan Headwaters Association, said he had come to protest what he sees as a new attempt by the Christie administration to loosen state controls over the environment.

“This is another in what is a long list of efforts by the administration to take away the protections of New Jersey’s environment that New Jersey citizens fought for decades to put in place,” Kibler said.

The rule change would heighten development pressure in the watershed area – covering most of Morris, Hunterdon and Somerset counties -- that is the focus of his group's efforts, he said.

Kibler said the new rule would loosen protections on drinking water not only for the 80 percent of people who live within the watershed and draw their water from private wells, but also for about 1.5 million people outside it.

“Rules like this are going to take away a lot of protections of drinking water for the people that are outside my watershed,” he said.

The DEP will hold additional public meetings November 17 in Clayton and November 30 in Trenton.