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Proposed DEP Sewer Rules Pose Threat to Water Quality, Land Use

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Most New Jersey residents are unaware that their water quality may be at risk thanks to newly proposed sewer rules that could inadvertently threaten our state's precious environmental resources.

The proposed changes to the rules governing sewer lines don't make the front page of most newspapers. Yet these rules are of critical importance, since sewers provide the underpinning for development — from homes to offices to commercial centers. The rules, therefore, offer a blueprint of what New Jersey will look like in the future.

Over the years, efforts to update the rules, which were last modified in 1989, have been stalled by controversy resulting in a patchwork of plans, amendments and legal challenges that together undermine protecting the environment. The most recent rule changes proposed by the state Department of Environmental Protection are no exception.

Few people are happy with the new proposals. At stake are hundreds of thousands of acres of land inside sewer service boundaries that could be newly declared off-limits to sewers. Land-use planning organizations are concerned that the new restrictions would encourage large-lot sprawl with septic systems in rural areas.

This would be a disaster for the environment and our water quality, even though the rules ostensibly have been designed to protect the state's streams, rivers, lakes and wetlands. It is critical that government agencies work together to coordinate their activities to support development in areas where we want it, such as urban centers connected to transit systems, and to reduce sprawl in places where we don't want growth, including the state's dwindling "greenfields."

Today, there is real concern that we are losing the battle against sprawl. New Jersey is only a generation or two away from being the first state to be completely built out, if growth continues unchecked. Each day, the Garden State loses nearly 50 acres of open space to development.

The DEP and Gov. Corzine would be wise to bear in mind the following guidelines if the state truly hopes to protect our water quality as well as our environment and the economy.

Take a coordinated approach: Water and wastewater planning must take into account state goals to protect and improve the environment. We need to continue to preserve open space, since this has such a dramatic impact on water quality, and at the same time remember there are other ways to protect our natural resources beside purchasing land, such as clustered neighborhoods and dense urban redevelopment.

Also, since wastewater treatment plants use a significant amount of energy, any investment in these facilities must be mindful of energy demands, greenhouse gas emissions and overall air quality. Finally, we need to better coordinate state funding to support various environmental goals, including brownfield and landfill cleanup, as well as better stormwater management and wastewater treatment facilities.

Fix what's broken: Many of the state's older areas lack the financial resources to deal with wastewater systems that are overstressed or inefficient. Government investment and policy helped to create these facilities and should not stand in the way of cleaning them up. However, some regulations prevent upgrades or expansions in these areas, which then prevent problems from ever getting fixed and perpetuate poor water quality. Fixing the state's broken older wastewater systems must be a top priority.

Creative alternatives where appropriate: Sewer systems are not appropriate for every community. The usual alternative is to use septic systems, which usually leads to sprawl. Centers are needed, even out in rural areas, such as hamlets and villages, to provide the means for every community to grow, while still protecting natural resources. Some alternative techniques to minimize the impact of rural growth include clustered development, conservation zoning, lot averaging and the transfer of development rights.

Watershed data collection: If we really want to protect water quality, it is essential that we collect and monitor data based on watersheds. Only with the data for an entire watershed can we connect the protection of the water to local land-use planning. The deadline for the public comment period on DEP's new wastewater rules was earlier this fall, and the agency is wading through those remarks. The DEP has the option to make slight technical changes to the proposed rules, but by law the agency cannot make substantial changes, although it has the option to start over. It is our hope the DEP will do just that.