

American Littoral Society, Association of New Jersey Environmental Commissions, Delaware Riverkeeper Network, Environment New Jersey, New Jersey Audubon Society, New Jersey Conservation Foundation, New Jersey Environmental Federation, New Jersey Environmental Lobby, New Jersey Highlands Coalition, New Jersey Sierra Club, Pinelands Preservation Alliance, Raritan Headwaters Association, Stony Brook- Millstone Watershed Association

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New Report: Pollution In State Waters Would Significantly Increase Under Pending Clean Water Rollback Bill

Cumberland, Atlantic, Burlington, Ocean, Sussex, Monmouth, & Somerset Most Hard Hit

Trenton – A coalition of New Jersey’s 13 leading environmental groups released a report today showing pollution to state waters could significantly increase under a bill pending before the New Jersey Legislature. The analysis and report was prepared by Princeton Hydro, a professional ecological and engineering consulting firm that specializes in aquatic ecology, natural system ecology, and water resources engineering. The bill (A4335 and S3156) would undermine, create delays and open critical loopholes in one of the state’s principal clean water protection programs, known as the Water Quality Management Planning regulations (WQMP).

“As the report details, passing this rollback bill will let developers pollute our waters like there is no tomorrow – more than doubling the amount of pollution entering our already over-stressed and polluted state waters,” **said Dena Mottola Jaborska, Executive Director of Environment New Jersey.**

The report found there would be serious impacts to New Jersey waterways from the increase of three major pollutants already plaguing our waters: nitrogen, phosphorus and total suspended solids. The report analyzed the impact of opening up to development 300,000 acres of high quality, environmentally sensitive lands currently protected under the WQMP regulations, as allowed by the proposed legislation. The rule currently protects forests, wetlands, streams feeding drinking water reservoirs and endangered species habitats from being sewerred and developed at high density.

“This report is the type of scientific analysis the DEP and Legislature should do before moving forward with this legislation. Sewers determine where development and pollution go more than anything else. This legislation will lead to increase sprawl, flooding and water pollution. This bill threatens our water drinking supplies and means Barnegat Bay will be overdeveloped and die,” **said Jeff Tittel, Director, NJ Sierra Club.**

The pollution from the loss of these lands would add more than 339 million pounds of pollution into state waters annually, enough to fill Giants Stadium more than 300 times. Nitrogen and phosphorus pollution would increase by 754,000 pounds, wreaking havoc on water ecology, compromising our drinking water sources, and increasing our water treatment costs. It would also add more than 338 million pounds of dirt

particles known as total suspended solids which carry toxic oil from roads and pesticides from lawns into waterways.

“The cost of water in New Jersey is the 4th lowest in the nation because we have managed to prevent development in the most environmentally sensitive areas, which are critical to our water supply. As we approach build-out, these areas must be protected. By delaying implementation and relaxing Wastewater Management Planning regulations, we are essentially handing over our water supply for the short term benefit of a few, increasing costs to all who depend on clean water, including a large segment of New Jersey’s business and industry,” **said Julia Somers, Executive Director, New Jersey Highlands Coalition.**

Cumberland, Atlantic, Burlington, Ocean, Sussex, Monmouth, and Somerset Counties would be hardest hit by the increased pollution loading, according to the report. All these counties would face an increase of nitrogen pollution of nearly 100% or more with Cumberland facing a 144.6% increase, Burlington a 133.6% increase, Atlantic County a 114.5% increase and Ocean facing a 112.7% increase. Across the state, the increase of nitrogen to local waters would be 98.7%.

Increased nitrogen pollution would have a big impact on water supply intake systems and would increase current nutrient pollution related problems in our bays, estuaries, and waterways. This could have a direct impact on our water quality, especially our coastal waterways such as Barnegat Bay.

The same counties topped the list for increased phosphorus loads. All would see at least a 130% rise in pollution. The highest projected increase is in Cumberland County, which would face a 242.3% increase, followed by Atlantic County which would face a 196.9% increase. Ocean County which would see a 192.5% increase and Sussex would face a 161.2% increase. Across the state, the increase of phosphorus pollution would be 148% to local waters. Phosphorus is the major source of pollution for our streams, reservoirs, and lakes. A major increase of phosphorus means many more miles of streams will be polluted and will lead to more eutrophication.

The Barnegat Bay would suffer the most under this legislation, according to the report. The Upper Barnegat Bay of Ocean County, and the lower Barnegat Bay/Egg Harbor in Atlantic County would see the greatest increase in pollution. The Raritan/Millstone River system is one of the areas that is seriously threatened and will see an increase in pollution. Pollution increases in Monmouth County are substantial, especially in the southern portion of the County (Freehold, Howell, Farmingdale), which will impact the combination of the Shark and Manasquan Rivers as well as the Swimming River Reservoir. Loss of open space in Cumberland County would be high around Millville adding substantial pollution to a number of tidal river systems that drain to the Delaware River including the Cohansey and Maurice Rivers. Development in Warren County would bring a substantial increase in pollution to the Pohatcong River drainage area, which is a Category One High Quality waterway, a waterway that the state is prohibited from degrading.

"Legislators and the Governor need to make the right choice -- rolling back or maintaining these reasonable, balanced protections ... dirtier, more costly water or campaign contributors gone unrewarded ... developers' profits or consumer savings ... the public good or the false hope that weakening environmental protections will turn the economy around?" **said David Pringle, Campaign Director, New Jersey Environmental Federation.**

New Jersey has some of the worst water pollution in the nation according to EPA reports with more than 50% of waterways designated as drinking water sources unable to fully support that use and only 16% of waterways designated for recreational use deemed safe for swimming.

The state's water quality management planning rules were strengthened in 2008 to respond to ongoing water pollution problems in the state, and to halt sprawl development patterns caused by poorly planned sewer extensions. The initiative was immediately attacked by the developers' lobby through a series of lawsuits, which they lost at all levels. In the fall of 2011, the New Jersey Supreme Court refused to hear the developers appeal. The rollback bills were introduced in the Legislature within weeks.

"Having lost on the policy effort to clean up and protect New Jersey's waters, having lost in the courts, the development lobby turned to the Legislature to get what it wanted," said **Tim Dillingham, Executive Director of the American Littoral Society**. "As this report clearly shows, this legislation will put developer's profits ahead of the public's interest in clean water," Dillingham added.

It is important to note that this report only details pollution from stormwater. There will be additional pollution from increased discharge from sewer plants and new septic systems. The report does not calculate the increased pollution loading from loss of other lands not protected by the WQMP rule below the 25 acre threshold. In short, it is a conservative calculation, yet still staggering. The report also does not detail the impacts to the air that would result from losing these open lands to development, including a major expansion of global warming emissions and toxic pollution from increased automobile traffic, electricity usage and home heating. Increased flooding and groundwater depletion from this additional development was not studied in the report.

Developers are pushing the legislation under the banner of jobs and economic development. But their argument ignores the fact that there is ample land outside the 300,000 acres protected by the WQMP rule for sewered development and redevelopment to keep the builders working. Further, the outdated sewer and stormwater systems across the state are a blight on our state's water supply, which the Legislature can turn into a jobs and economic opportunity by making a major commitment to upgrading aging and inadequate stormwater infrastructure and sewer systems. This would help to redevelop and revitalize our cities and older suburbs and have the added benefit of improving water quality in the state instead of degrading it.

"Governor Christie and legislators should be focusing on revitalizing our communities with green construction jobs that fix our failing sewer and drinking water lines. This bill is bad for New Jersey families, bad for the environment, and bad for our economy," said **Jennifer Coffey, Policy Director, Stony Brook-Millstone Watershed Association**.

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Additional Quotes from Environmental Advocates

“People and wildlife alike depend on clean water and clean water depends in large part on the ability of our forests and wetlands to filter pollutants. Some 300,000 acres of environmentally sensitive lands currently provide New Jerseyans with clean and plentiful water and wildlife with diverse habitats in which they can thrive. Rather than working to protect these lands that provide key ecosystem services, A4335/S3156 puts them at risk by opening them up to sewer development and impacting them through direct disturbance, fragmentation, and further reductions in water quality as demonstrated by this report,” **said Maeghan Brass, New Jersey Audubon.**

“New Jersey cannot afford to pay the price of more pollution to our waterways; the best investment in clean water the Legislature can make is to throw out the water quality rollback bill, (A4335/S3156),” **said Maya van Rossum, the Delaware Riverkeeper.**

“The proposed legislation undermines good planning, because it allows the NJDEP to approve specific developments even in areas where the county or municipality has planned for no sewer service or where the sewage treatment plant isn’t able to treat the additional wastewater. It opens the door to influential developers getting whatever they want, despite the impact on our waterways,” **said Sandy Batty, Executive Director, Association of New Jersey Environmental Commissions.**

“This bill will flush down the drain all the work that went into developing the Water Quality Management Planning Rules. This bill provides the extension that keeps on giving by authorizing the NJ DEP Commissioner to determine if even more time is needed for the wastewater management planning agencies to submit their plan after the bill’s two year extension. If New Jersey’s waterways are to be protected, deadlines must be met,” **said Jaclyn Rhoads, Director for Conservation Policy, Pinelands Preservation Alliance.**

“Water is life. If we pave over our clean water, we’ll pave over both the ecologic and the economic future of our state,” **said William Kibler, Director of Policy and Science, Raritan Headwaters Association**

“The bill flies in the face of DEP’s obligations under the Federal Clean Water Act, NJ’s own Water Pollution Control Act and Water Quality Planning Act. Continued refusal to update and implement plans moves NJ backwards in its efforts to clean our water ways and provide a high quality of life to NJ residents,” **said Michael L. Pisauro, Jr., Legislative Affairs Director, New Jersey Environmental Lobby.**