



P.O. Box 392 • Newfoundland NJ 07435 • (Phone) 973-492-3212

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## NEWS FROM THE PEQUANNOCK RIVER COALITION

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### **Bad Enviro Bill Proposed**

March 16, 2011

To all:

This is a bad one, folks. The NJDEP under Governor Christie is proposing a new waiver regulation that will allow them to ignore past environmental regulations and standards that are “unduly burdensome”. I have attached a write-up from the Record.

Our environmental laws have been carefully crafted over decades, with plenty of wiggle room built right in. Many of us feel they don't go far enough. This is just a way of allowing developers to make an end run around these laws, including the Highlands Act. It means everything we thought was saved could now be up for grabs. It is truly ironic that in the face of all our recent flooding we are providing new loopholes for development. Not good!

A public hearing on the waiver proposal is scheduled for 3 p.m. EST on April 14 in DEP's public hearing room at 401 East State St. in Trenton.

Written comments may be submitted through May 6 to:

Gary J. Brower, Esq., ATTN: DEP Docket No. 03-11-02, NJDEP, Office of Legal Affairs, 4th Floor, PO Box 402, Trenton, NJ 08625-0402.

Please take a moment to pen a letter. Also, contact your elected officials. Let them know your sentiments on this.

For more information:

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## Pequannock River Coalition Preserving the future

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### **N.J. development on the fast track**

Thursday, March 10, 2011

BY SCOTT FALLON

The Record

STAFF WRITER

*The Department of Environmental Protection will be able to waive many of its rules for developers and property owners under a proposal that critics say will erode New Jersey's environmental standards.*

*The plan unveiled Wednesday is one of the most significant moves by the Christie administration to reshape the DEP into a more "customer-friendly" agency that promotes economic growth.*

*"We can cut through unnecessary red tape and provide real solutions to real-world problems, while maintaining our high protective standards," DEP Commissioner Bob Martin said.*

*But environmental advocacy groups say the move will weaken environmental protections in one of the most polluted and densely populated states in the nation. They say it's a threat because it could allow developers to build in areas that would harm water quality and open space.*

*The DEP said the waivers would be limited and that developers would have to meet certain criteria.*

*The DEP has thousands of rules developed over years that govern everything from air and water quality to land preservation and development. Governor Christie's executive order last year called for all state agencies to get rid of rules that hinder New Jersey's economy.*

*Strict compliance of the DEP rules has led to "an unreasonable, unfair, or unintended result," according to the proposal.*

*The proposal allows the agency to waive some rules if they would "be unduly burdensome" or an "exceptional hardship" for a developer or homeowner. The proposal does not define "burdensome" or say what constitutes a hardship other than a rule that would "result in excessive cost."*

*"It would be determined on a case-by-case basis," said Larry Ragonese, a DEP spokesman.*

*"When a person in West Milford wants to add an addition to his property but can't do it because he lives 3 feet too close to a stream, that's a case where we have to use common sense," Ragonese said.*

*But David Pringle, of the New Jersey Environmental Federation, said that homeowner's action could be harmful to others.*

*"Who exactly is feeling the hardship?" he said. "Do we need someone being able to build something up in West*



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*Milford that may eventually flood someone down in Wayne? Look at what's happening with the flooding this week in Passaic County. Do we need fewer rules that keep people from building where they shouldn't?"*

*Debbie Mans, head of the NY/NJ Baykeeper, said the "unduly burdensome" waiver proposal is "so vague, it's unworkable."*

*Waivers could also be granted when rules conflict with other rules, when there is a public emergency or when forgoing the rule would provide an environmental benefit.*

*Assemblyman John McKeon, D-West Orange, said the proposal is a threat to clean drinking water because it would allow development in environmentally sensitive areas.*

*"Creating a loophole that will allow developers to threaten drinking water supplies opens the door for economic and environmental disaster," said McKeon, who heads the Assembly Environment and Energy Committee.*

*The New Jersey Builders Association declined to comment. A spokesman for the New Jersey Chamber of Commerce did not return phone calls seeking comment.*

*The proposal was developed over the course of a year with meetings between the DEP and stakeholders including business groups and environmental advocates. But several environmentalists say their concerns about the proposal were never addressed.*

*"A more accurate statement is that environmentalists expressed opposition and the rule advanced in spite of our concerns," Dena Mottola Jaborska, head of Environment New Jersey, said in an e-mail to Martin.*

*DEP officials say the proposal would give them much more flexibility in deciding if an application should be approved. Decisions on whether to grant a waiver would likely be made by assistant commissioners in charge of different divisions, Ragonese said.*

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