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NEW JERSEY CHAPTER

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Judith Enck
Regional Administrator
Region 2 US EPA
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CC: Plevin.Lisa@epa.gov
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Dear Ms. Enck:

The New Jersey Sierra Club is concerned with the proposed changes to the NJDEP's Water Quality Management Planning Rule (WQMP) and believe that the EPA must to look into these rules. We believe that this rule proposal will extend sewers in environmentally sensitive areas, which will increase development and lead to more discharge of point and non-point source pollution in our waterways. We are asking the EPA to use their oversight authority to review these proposed rules.

We are concerned that WQMP rule violates the federal 208 Planning Process and the Clean Water Act because there is no consistency among state and federal plans. The proposed rule allows for site specific amendments without consistency with the state-wide area plan.

By extending sewers in environmentally sensitive and flood prone areas, this proposed rule will lead to development in headwater areas as well as eliminate important stream buffers. As a result, the WQMP proposal would be adding more pollutants, which undermines the Total Maximum Daily Loads (TMDL). Many New Jersey rivers such as the Passaic and Raritan could be impacted by this proposal, as well as many lakes. Major parts of their clean-up plans for those impaired water bodies include absorption of pollutants from riparian buffers. We also believe this rule violates the anti-backsliding criteria of the Clean Water Act.

In the proposed WQMP rule, there will no longer be NJDEP oversight or evaluation of environmental impacts like water supply, sprawl, and stormwater discharge. This rule would eliminate environmental oversight and NJDEP's role in planning where septic systems and sewers go to sewage authorities, other state agencies, and towns without proper reviews or oversight. For this reason, we are concerned that the proposed rule may violate anti-degradation requirement in New Jersey's Surface Water standards amendments and Federal Clean Water Act because it allows plans without proper environmental review.

The expansion of sewer service has been coupled with another new rule proposal that will change the cap on pollution at sewer plants. The proposed New Jersey Pollutant Discharge



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Elimination System (NJPDES) rule will increase permit violations of sewage treatment plants and reduce the number of plans required to correct deficiencies and protect water quality. This would increase flows at certain times of the year and cause much more pollution, but would be allowed. It will get around capacity review because it does not account for inflow and infiltration (I&I), leaky pipes, or Combined Sewer Overflows (CSOs). We believe this rule violates anti-backsliding conditions under the Clean Water Act and also undermines TMDLs.

We are particularly concerned that these proposed rules will increase development in the Highlands Preservation Area by 400 percent, which holds the drinking water supply for half of New Jersey's residents. We believe this development will bring sewers in environmentally sensitive areas of the Highlands, which will impact water quality, have an effect on the Surface Water Quality Standards as well as impact anti-degradation and anti-backsliding criteria. We have attached a thorough analysis of the rule's impact to the Highlands Preservation Area for your review.

With this proposal, we believe there are now areas that could have sewer extension that are prohibited under section 208 of EPA's grant requirements for sewer plants. These prohibited areas are environmentally sensitive like flood hazard areas or places where endangered species have habitat.

Additionally, under the rule proposal, there is no longer Special Water Resource Protection Area (SWRPA) requirements, because of the 300 ft. buffer in the Flood Hazard Rules. However, at the same time the Christie Administration have eliminated the protections in a separate rule proposal for the 300 ft. buffer in the proposed Flood Hazard Rule changes. With this rule, even Municipal Separate Storm Sewer System (Ms4) buffers can have sewers.

We believe the NJDEP's proposed WQMP and NJPDES rules will lead to more sprawl, over-development, and pollution, which threatens our waterways. The EPA should ask the NJDEP to withdraw these rules.

Sincerely,

Jeff Tittel

Enclosure: Comments submitted to NJDEP on proposed WQMP rule concerning Highlands Preservation Area