

From: William Wolfe
To: Campbell, Bradley; Hahn, Ernest; Herb, Jeanne
Date: 10/29/02 3:39PM
Subject: Re: Fwd: Potential Trout Production Waters

Folks - here's my take on Mr. Riggs' comments:

1. Peckman - I agree that Verona and Cedar Grove POTW's might have to upgrade, but this issue is driven by Clean Water Act: i.e. as water quality improves and higher beneficial uses return to the river (and become existing uses that we are required to protect anyway), we need to reclassify higher uses to preserve and maintain them. Anything else would allow the water quality gains resulting from historic taxpayer investments in treatment to be eroded by future growth and plant expansion. We should not allow this type of backsliding in the standards and classification program. By way of analogy, the CWA NPDES program explicitly addresses in antibacksliding provisions.

Irrespective of the many other issues involved in evolution of Hilltop (suggest you talk to Jeff Tittel for history), if Hilltop seeks to be a prototype for SMART GROWTH, it should have to consider the infrastructure finance, upgrade, and water resource issues, as well as the traditional development package (i.e. joint municipal planning, cluster and deed restricted open space).

This same argument holds for the Lopatcong, Pequannock, and Mill Brook issues Joe brings out. If we are to grow, it must be in a way that protects water quality. This is really a treatment and cost issue, not a no growth issue.

FYI, Curtis Fisher and enviro's made great hay out of this issue and claimed prior administration's policy would neglect and differentially underprotect urban areas, because it reflected many of Mr. Riggs' concerns with how water policy can impede growth in urban areas. That's why prior Administration proposed to grandfather all existing permitted capacity from BOTH C1 designation and reclassification from any impact under NJPDES or antidegradation policies (basically locking in existing effluent limits forever).

2. SDRP PA1 and PA2 - While this sounds like a no brainer (i.e. why should we upgrade in urban areas), there may be some confusion with respect to reclassification to trout maintenance (TM), versus the C1 designation. The PA1, land use and growth issues should **not** be factors in reclassification. Reclass is based on existing documented uses for trout maintenance. Reclass is not discretionary (some argue that once a use is documented, that we are obligated to upgrade the use classification). PA 1 and PA 2 designations should be incorporated in our discretionary C1 designation method, but, we need to be careful, because the NJPDES permitted capacity and the PA2 SDRP mapping did not consider water resource issues, so the screening based on PA1 and PA2 would need to be done on a site specific basis and could not be done categorically.

Also, MR. Riggs' approach (which assumes that high water quality standards are barriers to economic development ignores completely the relationship between high water quality and investment and development of riverfront property. The development comes back to the riverfront when the river is no longer a sewer. NJ has strategic opportunities with many miles of underutilized riverfront urban locational opportunities. We must upgrade urban water quality to realize this potential.

3. Centers in SDRP PA4 and PA5 - I disagree strongly that we need to shape our C1 policies to anticipate or accommodate center based growth in PA4 and PA5. The centers should be constrained by the C1 values. What Mr. Riggs alludes to as a willingness to rethink past development patterns must be broader than site design issues (i.e. clustering, et al), and embrace true regional planning and environmental constraints. A major compromise and a flaw in the State Plan was to allow centers to accommodate growth where it would violate the areawide policies of PA4 and PA5. We will have no high quality water, habitat, farms, or rural character left if we allow "centers"; hamlets"; "villages" and "nodes" to fragment the last remaining countryside via reliance on the Millgan Farms like "COW" (Community On-Site Wastewater

plant). This is what's at stake here - let's have the Department control this discussion, not the flawed state plan.

Bill

>>> Bradley Campbell 10/29/02 12:07PM >>>

Pls see attached regarding the reclassification., He makes a valid point re the Peckman, methinks

CC: Baier, Larry