



Commissioner Bradley Campbell
New Jersey Department of Environmental Protection
401 East State St.
P.O. Box 402
Trenton, New Jersey 08625
May 13, 2002

Dear Commissioner Campbell,

We are writing in regards to **Subchapter 8, "the Septic Rule"**. Since the Court struck down this section of the Watershed Rules and since DEP's request for a Stay of the decision was not granted, we are petitioning you to take affirmative action to replace Subchapter 8 (NJAC7:15-8).

We are very concerned that there is a void that has been created by the removal of this regulation. As you know, much of the water quality, ecosystem, and habitat degradation that is being experienced in New Jersey is the result of sprawling new development in municipalities that are now rural. Many of the last remaining high quality natural systems in the State are located in these watersheds. No matter how much open space is purchased, no matter how many streams are granted extra protection by new categorization, no matter how effectively environmental regulations are enforced, no matter how much planning is done, if there is no measure in place to better control and regulate the 6-49 unit projects located on the undeveloped acreage of the State that is still dependant on individual subsurface disposal systems and groundwater, many watersheds will be indelibly changed and degraded.

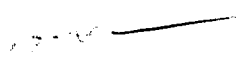
We cannot stress enough the urgency we feel about this problem. There is mayhem in the townships across New Jersey right now as developers rush to get approvals for developments that are flying under your radar screen. This mad rush is well illustrated by the following example: a residential development in Holland Township (Genesis Building, Hunter don Capital LLC), Hunterdon County. This 16-lot development on irreplaceable New Jersey Highlands terrain drains to a Category One trout-production stream (one of the few remaining natural trout streams in the State) Spring Mill Brook that feeds the Hakokokake Creek that runs to the Delaware River. The municipal officials are expected to give cart blanche to this development on Tuesday, May 14. Once the developer gets his local approval, he will be moving as quickly as possible to construct, and he is well aware that there is likely only a short window of opportunity for him to get his approvals without having to withstand the rigors of a Subchapter 8-type review. This developer has already been caught illegally destroying wetlands and has bulldozed virgin forest on this property. Doubtless, the days are numbered for this small trout stream that is fed by this naturally balanced ecosystem and hydrologic regime. There is a citizen's group who cares but the municipal officials are disposed to grease the tracks for this proposal to be approved. We can give you many other examples of this size development project being pushed.

With the eyes of the DEP averted, in the vacuum that has been created by Subchapter 8's demise, the last intact natural areas of the State are under siege. As always happens before a new regulation is enacted, there is an avalanche of approvals that are quickly given by willing or intimidated municipalities. What makes the present situation worse is that Subchapter 8 was enacted (as you know, after a storm of controversy on the watershed rules) and now repealed, pushing developers even harder to get quick and dirty approvals because they know what a rigorous DEP review can mean. Just add up the acreage of those in the Division of Watershed Management system and you'll get the picture. The dash to approval is even more virulent in this circumstance because new development projects, not just those already in the works, are sprouting up from development corporations who want to take advantage of this vulnerable period. Even developers who usually handle larger developments are getting their hand in the game because it's now so obviously a weak link in the regulatory system.


We have two suggestions. First, a procedural fix of the regulations, quickly noticing and holding public hearings and whatever else is necessary for a proper but speedy rulemaking of the existing Subchapter 8. Second, an Executive Order by the Governor similar to Executive Order 109. While neither of these fixes is perfect, they are a stopgap that could be effective if carefully administered, which we believe the Division of Watershed Management can do. Commissioner Campbell, something must be done NOW in order to get some control over the wild situation that is taking over rural and developing townships. It's time for a Time Out!

Thank you for considering our concerns and we would like to discuss the issue further to help work out some timely remedy to this awful situation.

Sincerely,



Maya K. van Rossum
Delaware Riverkeeper



Tracy Carluccio
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