

STATE of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
MAURIELLO *Governor*
Trenton, New Jersey 08625-0402 Tel: (609) 292-2178 Fax: (609) 633-0750

Land Use Management
PO Box 402

MARK N.
Acting Commissioner

July 14, 2009

Ms. Sandy Batty, Executive Director

**Association of New Jersey Environmental Commissions
P. O. Box 157
Mendham, New Jersey 07945**

Dear Executive Director Batty:

Acting Commissioner Mark N. Mauriello has asked me to reply to your June 10, 2009 letter concerning the extension of the April 7, 2009 deadline for the submission of wastewater management plans.

As you know, the availability of sewer service is a determining factor in the density of development that can be supported in a particular area and drives development pressure. Thus wastewater management plans are an important tool for land use planning and environmental protection. Wastewater management planning in New Jersey is intended to be accomplished through a continuing planning process that ensures that these plans are updated on a regular basis to keep current with changing land uses, land use planning and environmental information. Historically, wastewater management planning agencies have failed to fulfill this obligation. The Department of Environmental Protection (Department) adopted amended rules in May of 2008 aimed at curing this deficiency. Of particular significance in the amended rules was the designation of counties as the wastewater management planning agencies.

Please rest assured that I understand the importance of eliminating badly outdated sewer service areas that conflict with the resource protection goals of the Department as soon as possible. This was the primary reason for establishing the extremely ambitious deadline for submission of wastewater management plans in the rule.

However, it is equally important to the success of this effort to designate sewer service areas in places that are appropriate for growth. Administratively, the Department cannot accomplish this task without the help of the counties in this partnership. Therefore, implementing a withdrawal of wastewater service area designations would sabotage this necessary relationship during its infancy and likely lose the gains we've made to date.

The Department is also under pressure from the development community, which fears that the Department will unilaterally remove sewer service areas. Recently, legislation has been introduced that would extend the submission deadline for wastewater management plans by two years, require the Department to approve individual amendment applications and individually notify affected property owners by certified mail. Together these added burdens would preclude the Department from adopting any new or updated wastewater management plan for the foreseeable future. Any Department effort to withdraw sewer service areas would encourage this legislation.

The Department continues to be committed to getting wastewater management plans updated and adopted as quickly as possible but I do believe that patience and flexibility are important right now as we move forward in a way that does not jeopardize our overall objectives. I believe that a balanced approach keeps the counties engaged and moving forward while seeking to minimize the risk of legislative intervention. Please be assured that each extension request is being reviewed individually and is decided based upon the particular circumstances surrounding the need for the extension. Further, the extensions being granted are for the shortest possible duration, ensuring that traction toward plan preparation and adoption is not lost.

Thank you for your communication. Please do not hesitate to contact me at (609) 292-2178, if you have any additional questions or concerns.

Sincerely yours,

Scott Brubaker

A handwritten signature in cursive script that reads "Scott Brubaker".

Acting Assistant
Commissioner