

Clean Water Council Public Hearing
October 10, 2006
9:00 a.m.
Department of Environmental Protection – Public Hearing Room
401 East State Street
Trenton, NJ

To the Council,

My name is Peggy Snyder. I am a resident of Hopewell Township and I am speaking as a citizen of New Jersey. Before I continue, I believe I should qualify my testimony by saying that I have been doing municipal engineering for various municipalities for the past 7 years and I am currently working on a WMP update for one of my clients. My first experience with WQMP and WMP issues came in the late 90's when I co-founded a grassroots group that fought and defeated a massive sewer plan that was proposed for Hopewell Township. I have also served on the Hopewell Township Planning Board and chaired the Township's Wastewater Advisory Committee. I think I have a unique perspective on the issues at hand.

I would like to present a few common sense suggestions that may improve compliance with the Wastewater Management Planning rules.

First, I believe that by allowing site-specific WMP amendments, the DEP may inadvertently be contributing to the compliance problem. If piecemeal changes to WMPs are entertained and approved, where is the incentive for towns to undergo comprehensive WMP updates?

Second, I believe it would be beneficial to introduce the new WMP and WQMP rules with the same degree of fanfare and attention that accompanied the new stormwater rules in 2004. At that time, the new Regulations were on everybody's radar screen; workshops and presentations were made throughout the state by various groups about the changes in the regulations. The current WQMP and WMP rules will expire in January of 2007; if the new rules reflect what is currently being required by the Department, they will codify both the EO 109 requirements and the plan endorsement process. I believe this will be a dramatic change in the existing rules that is worthy of a huge public relations push to put these new Regulations on everybody's agenda.

Third, I believe it would be beneficial for the DEP to proactively provide encouragement and support to entities that need to perform WMP updates. I would recommend that the Department provide written notification to individual towns that their WMPs are in need of revision; the Department could make it clear exactly what is expected of these towns and work with them to achieve compliance. It is my understanding that the closest the DEP has come to such an effort was the issuance of a blanket statement on their website in October 2005 that addressed, in general terms, the issue of non-compliance.

Fourth, since the current WMP update procedures require a substantial financial commitment on the part of the towns performing the updates, I believe financial support should be made available. By making grants or loans available, the burden of compliance will be eased.

Finally, if all of these positive methods of attempting to bring towns into compliance with the Regulations fail, I believe the Department should consider implementing fair, reasonable and enforceable consequences to towns that remain non-compliant. Perhaps the Statutes and Regulations could be changed to mirror the statutes governing other aspects of municipal compliance. A case in point -- the Municipal Land Use Law requires that all municipalities perform a re-examination of their Master Plan at least every 6 years. For those towns that do not comply, the statute states, "Failure to adopt a reexamination within the 6 year period "shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable" (40:55D-89.1). Perhaps there could be a similar consequence suggested for towns that fail to comply with the WMP Regulations.

Thank you for your time and attention to this matter.

Sincerely,

Peggy Snyder