

Steven W. Rattner

Reconstructed oral testimony presented at the

Improving Water Quality Planning & Management

A Public Hearing sponsored by the NJ Clean Water Council

October 10, 2006 in the NJDEP Public Hearing Room - 9:00 am – 12 noon

At Approximately 1:00 pm

My name is Steven Rattner and in the spirit of the introductions of panel members and previous commentors, I graduated from Fairleigh Dickinson University with a B. S. and an M. B. A. from Seton Hall University. I am currently the Chairman of the Musconetcong Sewerage Authority who I am representing, serving as the Vice President of Mount Olive Township Council whom I am representing and the secretary of the Morris County Planning Board who I do not represent.

My township is entirely within the Highlands, 84% within the preservation area. Budd Lake shows our long term commitment to water quality improvement and is the largest natural lake in New Jersey. The water quality has been improved greatly over the last 2 decades with an investment of many millions of dollars.

First, I want to address the comment by Mr. Tittel, "...that it is interesting that the NJDEP has determined that every stream in New Jersey is impaired. This was no accident." To me it is very easy to explain. The New Jersey Department of Environmental Protection made the determination administratively, not scientifically and I can provide the proofs. The Musconetcong Sewerage Authority has been providing scientific data, testing and sampling results consistent with the department's protocols. Since the issuance of our last permit renewal 5 years ago, by engaging a consultant utilized by the department, the authority has proven that the upper Musconetcong River is not impaired. When we were notified that the water body was classified as impaired, I personally contacted the water quality division to question the basis. I was told that the files contained no correspondence going back to 1992. That was extremely upsetting since over \$400,000 had been spent to address every department directive and protocol. The continual changes meant we were chasing a moving target. We are a small operation with only an operational budget that totaled less than 1 million dollars in 1992. After a trace of the most recent submittals by Fed Express, the department acknowledged that they had lost the documentation received over the past 12 years.

Speaking on behalf of Mount Olive Township, A Waste Water Management Plan was submitted in the summer of 2003 and the response was not received until August of 2005 with seven pages of comments, the majority involved grammar. The changes were made and again the department stated that it was not received, but later that decision was reversed. In that time, a new requirement was added that the application must conform to the Highlands Master plan not scheduled to be completed until June 2006. Today, there is still no confirmed publication date. But the department is holding up every application for not having a current plan.

As a regional authority, we must include each member municipal Waste Water Management Plan. Though the Musconetcong Sewerage Authority must wait for each of these seven documents, we have engaged our consultants to begin the process and complete work where possible.

The reason that there is such a back log of reviews is the understaffing of the department reviewing applications and WWMPs. I believe there are only 5 or 6 people assigned to this function.

What this is doing is causing financial distress to both the private and public sectors. In Mount Olive Township, taxes are rising, property owners are losing their properties, and the total assessed value of the township has decreased. The NJDEP allowed a mountain ridge to be clear cut and a 600 plus housing development on slopes exceeding 30%. This development is above the Hackettstown surface water supply. Then the Council on Affordable Housing assesses a large allocation in an area that another agency states that cannot be developed. Now the New Jersey Department of Environmental Protection withhold permits for environmentally sensitive development. This is a downward spiral that is indirect conflict with the Governor's Economic Growth Strategy issued a month ago

Both Mount Olive Township and the Musconetcong Sewerage Authority want to conform to all the applicable regulations, but there is a moving target and conflicts between the federal and state regulations. Additionally, the State of New Jersey has to get its act together and ensure there is consistency between different departments and even within the same departments.

Lastly, since the phosphorus issue is a NJDEP and Clean Water Council priority, I submit that before you start demanding a large investment in unproven technology, you go after the low lying fruit. The governor should be asked to ban or significantly reduce the inclusion of phosphorus in fertilizers and detergents. This will greatly reduce the amount of phosphorus in the environment and then we can address the issues of the residuals. This can be simple, just a stroke of the pen. If we don't learn from the past, we are destined to relive it. Does MTBE mean anything to you; yes Methyl Tertiary-Butyl Ether that is now in our water. Based on current technology and rules, I will be dammed before I introduce the high level of aluminum into the environment with all the documented health issues.

Thank you very much.