

July 8, 2010

Septics in the Highlands

There is nothing sexy about septic systems.

Nonetheless, an ongoing review of septic regulations in the Highlands by the state Department of Environmental Protection may have significant impact on the 860,000-acre region in northwest New Jersey. Additionally, it may give a hint of the Christie Administration's thinking on the future of the Highlands.

Soon after the act was signed six summers ago, the DEP adopted "septic density" rules for the preservation area in the Highlands, which covers about half of the region. These rules virtually outlawed development of any kind. The rule allows construction of one septic system per 88 acres of wooded land in the region. When dealing with farmland, the standard is one septic system per 25 acres. One need not be a land use expert to surmise that building one home on 25 acres, let alone 88 acres, is not a likely occurrence.

The septic rule is being challenged in court by the New Jersey Farm Bureau. A hearing scheduled for March was put off to give the DEP time to review the rules. A DEP spokesperson said the review will include whether the science supporting the rules is sound. The Farm Bureau and others unhappy with the rule, most of whom are large landowners in the region, say the scientific justification for the septic rules is flawed.

Some environmental groups are not pleased. Julia Somers of the state's Highlands Coalition says that the review "does not reflect well on the department."

We're not so sure about that. Given the fact that this is a new administration and that the rules are being challenged in court, it seems reasonable to review them. Of more interest is whether the Christie Administration will see this review as an opportunity to significantly weaken development restrictions in the Highlands. Bob Martin, the new DEP Commissioner, has said that the administration respects the need to preserve water quality in the Highlands region. This is its first opportunity to demonstrate that.
