

A Battered Mother Earth

Environmentalists question Gov. Christie's stance on Highlands protection, other NJ issues

Written by

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Today is the 41st anniversary of [Earth Day](#), and it's safe to say Mother Earth has taken a beating in the last year. Some of the largest environmental disasters in history unfolded in Japan and the Gulf of Mexico, exposing serious weaknesses in safety engineering and government oversight.

The Japan nuclear reactor crisis and last year's mammoth BP oil spill in the Gulf of Mexico are prime examples why strong environmental safeguards are critical, environmental activists say.

Environmental concerns don't just abound abroad, however; there are plenty of concerns for the future of environmental protections and legislation in the Garden State — not the least of which is concern over the future of the 2004 Highlands Water Protection and Planning Act.

Signed into law in August 2004, the act put 860,000 acres across seven counties, including most of Morris County, into the Highlands region and set up the New Jersey Highlands Council to oversee planning and development. The Department of Environmental Protection places strict development regulations on the area, which provides clean drinking water to 5.4 million New Jersey residents. For example, only one dwelling unit is allowed per 88 acres of forested land in a preservation area.

Since 2008, 7,690 acres of land have been preserved in the Highlands through the Highlands Regional Master Plan, said Elliott Ruga, senior policy analyst and campaign coordinator for the Boonton-based New Jersey Highlands Coalition, an

independent coalition that supports Highlands preservation.

But Ruga has concerns about the future of the Highlands, given Gov. Chris Christie's public criticism of the legislation and its effectiveness.

"The governor has positioned himself that he would like to see the Highlands Act rescinded, or at least substantially modified, and this is a big concern of ours because we know that regional planning works," Ruga said. The Highlands Act is "at a juncture today where I am very concerned about whether it will remain as effective as it is to preserve our water and other natural and cultural resources in the Highlands, and if we were to scrap it, we will, in the end, regret it."

According to Ruga, if the Highlands Act were not in place and development had continued as usual since 2004, by 2050 it would cost the state anywhere from \$30 to \$50 billion to treat those waters.

"The DEP Highlands rules for the preservation area has essentially made us stop and think (about) how we're going to develop in the Highlands," he said. "It has preserved the water resources in just the preservation area, and as towns conform their planning areas, we will see benefits in the longer term."

While some activists praise the Christie administration's efforts to restore places such as South Jersey's Barnegat Bay, oppose offshore drilling and launch other initiatives, many condemn a state proposal that would allow state environmental rules to be relaxed.

Tim Dillingham, executive director of the American Littoral Society, a Sandy Hook-based coastal conservation group, said "there's still an enormously important role of strong regulation of industry."

State DEP officials defended their "common sense" waiver proposal, which allows economic growth while protecting the environment. To avoid "exceptional hardships" for those seeking DEP approvals, the DEP would grant waivers to rules in limited cases and health protections would not be rolled back, they said.

Under one waiver scenario provided by DEP spokesman Larry Ragonese, a redevelopment site is within 300 feet of a stream. The initial development was built before stormwater basins were required. But under current rules, new development may not be allowed.

However, if the DEP waives strict compliance with the rules to allow for redevelopment, it can require additional stormwater basins to be built to control and treat uncontrolled storm water, according to Ragonese. The result is better water quality.

The waiver proposal emerged as officials continued to cope with environmental disasters in other parts of the country and world.

Just two days before Earth Day 2010, a BP offshore oil platform exploded, spilling 172 million gallons of oil into the Gulf of Mexico over three months.

A national commission established by President Barack Obama concluded that industry resistance to effective oversight helped lead to "a serious, and ultimately inexcusable, shortfall in supervision of offshore drilling."

Six weeks ago, a powerful 9.0 magnitude earthquake struck Japan, triggering a massive tsunami and one of the world's worst nuclear power plant accidents.

Radiation from the Fukushima plant in Japan has spread far and wide, with traces being detected in New Jersey and other states.

Tokyo Electric Power Co. failed to plan for a tsunami as big as the one that flooded the six-reactor Fukushima Dai-ichi plant, resulting in reactor damage and radioactive releases.

While the Gulf and Japan disasters have sparked global outcry over protecting the environment, many local activists are upset about what's happening in New Jersey.

Jeff Tittel, director of the Sierra Club's New Jersey chapter, said he thinks "we're close to seeing the governor repeal Earth Day, that there are so many rollbacks and programs being wrecked in the Department of Environmental Protection that we're probably heading into one of the bleakest days that we've seen in a long time."

Tittel cited, among other things: the proposed waiver rule, a proposed rule that covers the public's access to beaches and waterways, and a proposal to give refineries an extra year to reduce sulfur levels in fuel to help reduce air pollution.

He also said Gov. Christie's plan to restore Barnegat Bay is pretty weak because the governor doesn't want to deal with sprawl and overdevelopment — major issues that affect the bay — and he doesn't want to raise fees or money to clean up the bay.

Ray Cantor, chief adviser to DEP Commissioner Bob Martin, said the DEP's core mission is to protect the air, land, water, natural resources and citizens' health and the proposed rule that would allow waivers does not jeopardize that.

There have been many opportunities to develop sites and create jobs, but "we did not have the regulations to allow that project to proceed," he said.

DEP officials have dubbed their beach access rule a common-sense proposal and said public access will not be reduced. Municipalities would propose their own plans for providing parking and restrooms for the public, according to DEP officials.

As for the sulfur proposal, only one of three major fuel refineries in New Jersey would need a one-year extension to meet an interim 500 part per million limit on sulfur in fuel,

according to DEP spokesman Larry Hajna.

DEP spokesman Larry Ragonese said the DEP has a pretty long list of accomplishments under Martin.

They include: opposing offshore drilling and offshore liquefied natural gas facilities; fighting for tighter emissions controls at four Pennsylvania coal-fired power plants; launching a Barnegat Bay restoration plan, including securing the closure of the Oyster Creek nuclear plant in Lacey 10 years early; and a new law that sets the nation's toughest standards for nitrogen in fertilizer, according to Ragonese.

"We don't think we've been rolling back," he said.

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